FINAL REPORT

OF THE

ROYAL COMMISSION

ON

LOCAL GOVERNMENT.

Presented by the Secretary of State for the Home Department to Parliament by Command of His Majesty November, 1929

LONDON:
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.
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1929.

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Cmd. 3436.

FIRST REPORT OF THE ROYAL COMMISSION ON LOCAL GOVERNMENT.

Cmd. 2506. 516 pages.

This Report is now out of print, but for the benefit of those interested in this subject, a brief statement of the contents is as follows:—

The First Report of the Commission, on the constitution and extension of County Boroughs, consists of a brief Introduction and three Parts.

Part I contains a general description in outline of the existing system of local government in England and Wales.

In Part II the Commission summarize the evidence taken before them on the subject of the constitution and extension of County Boroughs.

Part III contains the conclusions and recommendations of the Commission on this subject.

The Report is divided into Chapters as follows:

Part I.

Chapter I.—The Principal Types of Local Authorities, Their Constitution, and the Procedure for Altering Their Status and Areas.

Chapter II.—The Functions of Local Authorities of the Several Types.

Chapter III.—The Exercise of the Functions of the Local Authorities of the Several Types.

Chapter IV.—The Exercise of Functions by Local Authorities Acting Jointly.

Chapter V.—Finance of Local Authorities.

Chapter VI.—Growth and Distribution of Population, etc., in England and Wales between 1889 and 1921.

Part II.

Chapter VII.—On the existing Procedure under Section 54 of the Local Government Act, 1888.

Chapter VIII.—Proposals and Suggestions Made in Evidence for the Alteration of the Procedure under Section 54 of the Local Government Act, 1888.

Chapter IX.—On Questions other than Procedure Affecting both the Constitution and Extension of County Boroughs.

Chapter X.—On Financial Adjustments consequent upon the Constitution or Extension of County Boroughs, with special reference to the Incidence of the Cost of Maintenance of Main Roads.

Chapter XI.—On Questions other than Procedure Affecting only the Constitution of County Boroughs.

Chapter XII.—On Questions other than Procedure Affecting only the Extension of County Boroughs.

Part III.

Chapter XIII.—Conclusions and Recommendations as to the Methods of dealing with Proposals for the Constitution or Extension of County Boroughs.

Chapter XIV.—Conclusions and Recommendations relating generally to the Existing Law and Procedure governing the Constitution or Extension of County Boroughs.

Chapter XV.—Summary of Conclusions and Recommendations.

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NOTE.

The estimated cost of the preparation of the First and Second Reports and this Report (including the expenses of the Commission) is £11,982, of which £157 represents the estimated cost of the printing and publishing of this Report. A sum of £4,985 has been recovered by the sale of the First and Second Reports and the Minutes of Evidence taken before the Commission, thus making the net cost £6,997.

ROYAL COMMISSION ON LOCAL GOVERNMENT.

(Appointed by Royal Warrant dated the 14th February, 1923.)

TERMS OF REFERENCE OF SECOND PART OF INQUIRY.

(As extended by Royal Warrant dated 4th August, 1926.)

To investigate the relations between the Councils of Counties County Boroughs, Non-County Boroughs, Urban Districts, Rural Districts and Parishes, and Parish Meetings; and generally to make recommendations as to their constitution, areas and functions.

MEMBERSHIP OF COMMISSION.

THE RIGHT HON. THE EARL OF ONSLOW, O.B.E., *Chairman.*

THE RIGHT HON. LORD STRACHIE.
LIEUT.-GEN. SIR GEORGE MACDONOGH, G.B.E., K.C.B., K.C.M.G.
SIR WILLIAM MIDDLEBROOK.
SIR LEWIS BEARD.
SIR WALTER R. BUCHANAN RIDDELL, BART.
SIR HARRY G. PRITCHARD.
LIEUT.-COL. SIR SEYMOUR WILLIAMS, K.B.E.
MR. SAMUEL TAYLOR.*
MR. JOHN BOND, O.B.E.†
MR. H. C. NORMAN, C.B., C.S.I., C.B.E.‡

MR. P. BARTER (*Secretary*).§
MR. J. A. LAWTHER, M.B.E. (*Assistant Secretary*).

* Appointed by Royal Warrant dated the 5th March, 1925, in place of the late Sir W. Ryland Adkins, K.C.
† Appointed by Royal Warrant dated the 7th June, 1926, in place of the late Sir Walter Nicholas.
‡ Appointed by Royal Warrant dated the 19th October, 1926, in place of the late Hon. Sir Arthur Myers.
§ Appointed 1st April, 1928, in place of Mr. Michael Heseltine, C.B.

MR. E. HONORATUS LLOYD, K.C., resigned from the Commission in March, 1928, and SIR EDMUND R. TURTON, Bart., M.P.. died on the 9th May, 1929.

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NOTE.

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M. followed by a number: Memorandum of Evidence and paragraph.

Q. followed by a number: Question.

The figures in brackets following the reference show the Part of the Minutes of Evidence taken before the Commission and published, and the page, at which the passage referred to will be found.

THE ROYAL COMMISSION.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to

Our Right Trusty and Right Well-beloved Cousin Richard William Alan, Earl of Onslow;

Our Right Trusty and Well-beloved Counsellor Edward, Baron Strachie; and

Our Trusty and Well-beloved :—

Sir George Mark Watson Macdonogh, Knight Commander of Our Most Honourable Order of the Bath, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, Lieutenant-General of Our Forces;

Sir William Ryland Dent Adkins, Knight, one of Our Counsel learned in the Law;

Sir William Middlebrook, Knight;

Sir Lewis Beard, Knight;

Sir Walter Powell Nicholas, Knight;

Walter Robert Buchanan Riddell, Esquire, Master of Arts;

Edward Honoratus Lloyd, Esquire, one of Our Counsel learned in the Law;

Arthur Mielzener Myers, Esquire (the Honourable Arthur Myers) sometime a Member of the Supreme Council of the Dominion of New Zealand;

Harry Goring Pritchard, Esquire;

Edmund Russborough Turton, Esquire; and

John Lloyd Vaughan Seymour Williams, Esquire, upon whom We have conferred the Territorial Decoration, Lieutenant-Colonel, late Royal Engineers, Territorial Army,

Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions:

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and

do by these Presents authorize and appoint you, the said Richard William Alan, Earl of Onslow (Chairman); Edward, Baron Strachie; Sir George Mark Watson Macdonogh; Sir William Ryland Dent Adkins; Sir William Middlebrook; Sir Lewis Beard; Sir Walter Powell Nicholas; Walter Robert Buchanan Riddell; Edward Honoratus Lloyd; Arthur Mielzener Myers; Harry Goring Pritchard; Edmund Russborough Turton and John Lloyd Vaughan Seymour Williams to be Our Commissioners for the purpose of the said inquiry.

And for the better effecting the purpose of this Our Commission, We do by these Presents give and grant unto you, or any five or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; to call for information in writing; and also to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these Presents authorize and empower you, or any one or more of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any five or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any five or more of you, have liberty to report your proceedings under this Our Commission from time to time, if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any five or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *Saint James's*, the fourteenth day of February, one thousand nine hundred and twenty-three, in the Thirteenth Year of Our Reign.

By His Majesty's Command,

W. C. Bridgeman.

Royal Commission
on Local Government.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to Our Trusty and Well-beloved Samuel Taylor, Esquire, Barrister at Law,

Greeting!

Whereas We did by Warrant under Our Royal Sign Manual bearing date the fourteenth day of February, one thousand nine hundred and twenty-three appoint Commissioners to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions.

And whereas a vacancy has been caused in the body of Commissioners appointed as aforesaid, by the death of Sir William Ryland Dent Adkins, Knight, one of Our Counsel learned in the Law:

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you the said Samuel Taylor to be one of Our Commissioners for the purposes aforesaid in the room of the said Sir William Ryland Dent Adkins, deceased.

Given at Our Court at *Saint James's*, the fifth day of March, 1925, in the Fifteenth Year of Our Reign.

By His Majesty's Command,

W. Joynson-Hicks.

Samuel Taylor, Esquire.
To be a member of the Royal Commission on Local Government.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to Our Trusty and Well-beloved John Bond, Esquire, Clerk to the Urban District Council of Kettering,

Greeting!

Whereas We did by Warrant under Our Royal Sign Manual bearing date the fourteenth day of February, one thousand nine hundred and twenty-three appoint Commissioners to inquire as

to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions.

And whereas a vacancy has been caused in the body of Commissioners appointed as aforesaid, by the death of Sir Walter Powell Nicholas, Knight:

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you the said John Bond to be one of Our Commissioners for the purposes aforesaid in the room of the said Sir Walter Powell Nicholas, deceased.

Given at Our Court at *Saint James's*, the seventh day of June, 1926, in the Seventeenth Year of Our Reign.

By His Majesty's Command,

W. Joynson-Hicks.

John Bond, Esquire.

To be a member of the Royal Commission on Local Government.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to all to whom these Presents shall come,

Greeting!

Whereas by Warrant under Our Royal Sign Manual bearing date the fourteenth day of February, one thousand nine hundred and twenty-three We were pleased to appoint Commissioners to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally make recommendations as to their constitution, areas and functions:

And whereas We have deemed it expedient that the terms of reference to Our said Commissioners should be extended so that their investigations with regard to the relations between the Councils of Counties, County Boroughs, Non-County Boroughs, Urban Districts and Rural Districts, may extend also to the Councils of Parishes and Parish Meetings and that they may be authorized to make recommendations as to the constitution, areas and functions of such Councils of Parishes and of Parish Meetings :

Now therefore We do Will and ordain that the terms of reference to Our said Commissioners shall be extended as aforesaid.

Given at Our Court at *Saint James's*, the fourth day of August, 1926, in the Seventeenth Year of Our Reign.

By His Majesty's Command,

W. Joynson-Hicks.

Warrant extending the terms of reference to the Royal Commission on Local Government.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to Our Trusty and Well-beloved Herman Cameron Norman, Esquire, Companion of Our Most Honourable Order of the Bath, Companion of Our Most Exalted Order of the Star of India, Commander of Our Most Excellent Order of the British Empire,

Greeting !

Whereas We did by Warrant under Our Royal Sign Manual bearing date the fourteenth day of February, one thousand nine hundred and twenty-three appoint Commissioners to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions;

And whereas We did by further Warrant under Our Royal Sign Manual bearing date the fourth day of August, one

thousand nine hundred and twenty-six extend the terms of reference to Our said Commissioners so that their investigations with regard to the relations between the Councils of Counties, County Boroughs, Non-County Boroughs, Urban Districts and Rural Districts may extend also to the Councils of Parishes and Parish Meetings and that they may be authorized to make recommendations as to the constitution, areas and functions of such Councils of Parishes and of Parish Meetings;

And whereas a vacancy has been caused in the body of Commissioners appointed as aforesaid, by the death of Sir Arthur Mielzener Myers, Knight (the Honourable Sir Arthur Mielzener Myers):

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you the said Herman Cameron Norman to be one of Our Commissioners for the purposes aforesaid in the room of the said Sir Arthur Mielzener Myers, deceased.

Given at Our Court at *Sandringham*, the Nineteenth day of October, 1926, in the Seventeenth Year of Our Reign.

By His Majesty's Command,

W. Joynson-Hicks.

Herman Cameron Norman, Esquire, C.B., C.S.I., C.B.E.
To be a member of the Royal
Commission on Local Government.

ROYAL COMMISSION ON LOCAL GOVERNMENT.

FINAL REPORT.

To the King's Most Excellent Majesty.

May it please Your Majesty,

1. We, the Commissioners appointed under Your Majesty's Royal Warrant of the 14th February, 1923,

> "to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions,"

which terms of reference were enlarged under Your Majesty's Royal Warrant of the 4th August, 1926, so that our investigations regarding the relations between Local Authorities might extend also to Councils of Parishes and Parish Meetings, and that we might be authorized to make recommendations as to the constitution, areas and functions of such Councils of Parishes and of Parish Meetings, humbly beg leave to report as follows :—

INTRODUCTORY.

Membership of the Commission.

2. It is again our sad duty to record the death of one of our colleagues. Sir Edmund Turton, Bart., M.P., had for many years taken an active and distinguished part in the work of Parliament and of local government, where he had filled the offices of County Councillor, Chairman of Quarter Sessions, and Chairman of the Executive Council of the County Councils Association. To our deliberations he brought a wealth of experience and a vigorous judgement, and we deeply regret that he did not live to see the completion of our labours, in which he took an untiring part. His death on the 9th May, 1929, deprived us of a valued colleague and public life of a distinguished and unselfish servant.

Procedure of the Commission.

3. In our First Report, presented on the 7th August, 1925, we submitted a full statement of the existing system of local government in England and Wales, and made recommendations upon

the first part of our terms of reference, which relates to the creation and extension of County Boroughs.

4. Our Second Report, presented on the 9th October, 1928, was devoted to certain questions arising on the second part of our terms of reference, which deals with the relations between Local Authorities, and their constitution, areas and functions generally. These questions related to the reorganization of areas, measures to assist or to stimulate Authorities unable or unwilling to discharge their functions, the appointment of whole-time Medical Officers of Health, and the distribution of certain functions between Local Authorities. As explained in paragraph 13 of that Report, these specific questions were selected for inclusion in an interim Report at that time, in order that our conclusions thereon might be made known before the introduction of the Local Government Bill. Many of our recommendations were carried into effect by the provisions of the Bill, which received the Royal Assent on the 27th March, 1929.

5. Immediately following the presentation of our Second Report we resumed our meetings in order to review the questions outstanding under our terms of reference, and to consider what further evidence might be necessary before we could bring our inquiry to a conclusion by the presentation of our Final Report. As a result of this review we were satisfied that on certain subjects additional evidence was not necessary; but there were others on which it seemed to us probable that the Associations of Local Authorities might wish to offer further observations. Accordingly, on the 25th October, we indicated these subjects to the Associations, and invited them to say whether they desired to offer further evidence upon them or to bring any other matters to our notice before the conclusion of our inquiry. Pending the receipt of replies to this communication we proceeded to hear other witnesses who were ready to tender evidence.

6. On the 14th December, 1928, we heard evidence from the National Association of Parish Councils and the National Council of Social Service, on the subject of the constitution, powers and duties of Parish Councils and Parish Meetings. We then began the hearing of further evidence on the subject of local government officers, in regard to which we had previously heard only the National Association of Local Government Officers. On the 31st January, 1929, we heard representatives of the Association of Local Government Financial Officers, the Sanitary Inspectors' Association, and the Society of Clerks to Urban District Councils. On the 1st February, the County Councils Association gave further evidence before us, and the Association of Municipal Corporations gave part of the further evidence which they desired to submit.

7. The 28th February and the 1st March were devoted to the hearing of further witnesses on the subject of local government

officers, namely, Professor Graham Wallas and Mr. W. A. Robson, and representatives of the Society of Town Clerks, the Society of Clerks of the Peace of Counties, the Union and Rural District Clerks' Association, the Society of Medical Officers of Health, the Institution of Municipal and County Engineers, and the University Appointments Boards of the Universities of Oxford, Cambridge, and London.

8. On the 18th and the 19th April, we completed the hearing of evidence of the Association of Municipal Corporations, and heard further evidence from the Rural District Councils Association and the Urban District Councils Association. We also heard evidence from the Institute of Municipal Treasurers and Accountants, and the Association of Directors and Secretaries for Education.

9. On the 2nd May, we heard further evidence from the Secretary of the Ministry of Health, and on the 11th July we completed the hearing of the evidence from the Urban District Councils Association.

10. Since evidence was tendered on behalf of the Minister of Health by Sir Arthur Robinson on the 2nd May, a change has taken place in Your Majesty's Government; and, in view of the number and importance of the issues involved in that evidence, we inquired whether Your Majesty's present Minister of Health desired to modify or supplement it by further evidence, and were informed that he did not wish to do so.

11. Subsequently to the presentation of our Second Report we sat on nine days to hear evidence. A list of witnesses is given in the Appendices to this Report. Since the inception of our inquiry in 1923, we have sat on 108 days for the hearing of evidence or for private discussion. The Appendices to our Reports indicate the number and variety of witnesses heard.

12. In our previous Reports (First Report, paragraph 23, and Second Report, paragraph 14) we have expressed our indebtedness to the witnesses who have assisted us in our inquiry; and in this, our Final, Report we desire to make special acknowledgment of our obligation both to those who have attended to give oral evidence and to those who have furnished written memoranda. Our inquiry has imposed heavy demands upon the Government Departments, especially the Ministry of Health, upon representatives of the Local Authorities, and upon many others; but we have invariably received their ready and wholehearted co-operation. We have had the singular gratification of seeing many of the recommendations in our First and Second Reports adopted by Your Majesty's Government and passed into law by Parliament, in the Local Government (County Boroughs and Adjustments) Act, 1926, and the Local Government Act, 1929. We are sure that this fortunate issue of our labours could scarcely have been realized had not our recommendations been

based upon exhaustive evidence from witnesses whose testimony reflected careful preparation, experienced judgement, and a genuine desire to assist in the solution of the problems before us.

Scope of this Report.

13. Of the questions that remained for consideration in connexion with our Final Report, there were several which we decided that we could not usefully pursue.

First, certain matters had been the subject of recent investigation by other Royal Commissions or Departmental Committees, viz. :—

Fire Brigades.—Report of the Royal Commission on Fire Brigades and Fire Prevention, 1923 (Cmd. 1945).

Police.—Report of the [Desborough] Committee on the Police Service of England, Wales and Scotland.—Part I, 1919 (Cmd. 253). Part II, 1920 (Cmd. 574). Report of the Committee appointed to consider Possible Readjustments in the Standard Conditions of Service of the Police Forces of Great Britain, 1924 (Cmd. 2086).

Superannuation of Local Government Officers.—Report of the Departmental Committee on the Superannuation of Local Government Employees, 1928.

Diversion of Highways.—Report of the Departmental Committee appointed to inquire into the Law relating to the Stopping up and Diversion of Highways, 1926.

Secondly, as regards the enforcement of sanitary requirements in factories and workshops, Your Majesty's late Government had indicated their intentions by the introduction of a Bill in 1926, and Your Majesty's present Government have also intimated that they propose to introduce legislation on the same subject.

Thirdly, some questions which had been the subject of evidence before us were dealt with in the Local Government Act, 1929, e.g., borrowing powers of Local Authorities, travelling expenses of members of County Councils, and a review of electoral areas in Counties.

14. Further, in the case of one important service—education —we came to the conclusion, after full consideration, that we could not usefully make recommendations. In our view, the questions arising at this stage in the development of the education service are mainly matters of policy involving decisions by Your Majesty's Government; but, if further inquiry should be deemed necessary, it could, we think, be more appropriately made by a Committee especially appointed for that purpose than by this Commission.

15. Apart from the subjects which, for the reasons indicated, we have not pursued, we have considered carefully the evidence before us. But our terms of reference are so wide, and the evidence tendered to us covers so many questions of principle and such a mass of detail, that we found it necessary to select for notice those matters which appeared to us to be of sufficient relative importance to require either some comment from us or some specific recommendation. In making our Final Report we have endeavoured, subject to the reservations indicated above, to include all the points which in our judgement satisfied this condition; but we desire to make it clear that the omission of reference to any particular point in our Reports does not necessarily mean that the evidence thereon which witnesses have been good enough to place before us has not received our full consideration.

16. We are conscious that our Final Report is presented in circumstances far different from those prevailing when we submitted our First and Second Reports. As we observed in our First Report (paragraph 32) the organization of local government in this country has developed as local or national needs had to be met, and the process still continues. The subject matter of our inquiry was not static; and during the long period over which our investigations have lasted there has of necessity been legislation from time to time to meet the changing requirements of local and national administration. But it has been no small part of our difficulty that many of the conditions which we have been called upon to examine have been undergoing modification at the hands of Parliament while we have been making our examination. Much of the system of local government analysed in Part I of our First Report has since that date been modified by legislation. To mention only three of the many enactments which have been passed: in the same year as that Report was presented the Public Health Act, 1925, made a large number of amendments to the Public Health Acts, 1875 to 1907, and the Rating and Valuation Act, 1925, introduced fundamental alterations in the organization of local government finance; in the present year, the Local Government Act, 1929, has introduced profound changes in our system of local government, and has been described as the most important measure of local government since 1835. This is not the place for an appraisement of the possible effects of recent legislation; but the course of our inquiry has necessarily been affected by it, and many of the points which emerged in the evidence heard in the earlier stages of our investigation have lost significance in the altered conditions resulting from the passing of subsequent legislation.

17. The subjects dealt with in this Report fall into three groups. Part I of the Report relates to the functions of Local Authorities, under which head we consider, first, the distribution between Local Authorities of certain functions, thus completing

the review of a subject begun in Chapter V of our Second Report, and, secondly, a number of other questions which have arisen in regard to the powers and duties of Local Authorities. Part II of the Report is devoted to certain issues regarding the constitution and membership of Local Authorities; and Part III to questions concerning local government officers. Finally, in Part IV, we append a summary of the principal conclusions and recommendations contained in the foregoing Parts.

PART I.—FUNCTIONS OF LOCAL AUTHORITIES.

Chapter I.—Distribution of certain Functions between Local Authorities.

Section I.—General Principles.

18. We have already indicated that this Chapter on the distribution of functions between Local Authorities is in effect a continuation of Chapter V of our Second Report, in which we dealt with the distribution of several important functions relating primarily to public health and highway administration. The first Section of that Chapter (paragraphs 105 to 123) was devoted to a statement of the general principles which had been put before us as proper to govern the allocation of functions between Local Authorities. Those arguments, and our conclusions thereon, are, of course, relevant to the consideration of the distribution of the functions included in the present Chapter.

19. In framing our recommendations, we have again had in mind the observation of the Minister of Health that proposals for the redistribution of existing functions, so far as they are to be practical, " must take account of the manner in which the functions in question are at present distributed, and the possibility, in the political sense, of modifying that distribution."* This consideration has special cogency in relation to some of the services reviewed in this Chapter, where we include a few functions the distribution of which has the sanction of long usage or has been found to result in anomalies that are not, in our view, sufficiently serious to justify the adoption of some of the more drastic proposals for redistribution put before us.

Section II.—Administration of the Weights and Measures Acts.

20. Borough Councils are Authorities for administering the Weights and Measures Acts if (*a*) the population of the Borough

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* Ministry of Health (Robinson), M. 702 (XII, 2282).

was over 10,000 according to the Census of 1881, and (*b*) the Borough has a separate Court of Quarter Sessions, *or* the Council provided legal local standards and appointed Inspectors before the 1st January, 1879, *or* the Council resolve that they should be the Local Authority and provide such standards and appoint Inspectors after the 1st January, 1879. Elsewhere in an Administrative County, the County Council are the Local Authority.

Evidence on behalf of the Board of Trade.

21. It was suggested, on behalf of the Board of Trade, that there were too many small Authorities administering this service. Many of them could not afford to employ a whole-time Inspector, and could not make satisfactory arrangements for the employment of a qualified man on a part-time basis. It was also stated that difficulties had arisen in some small Boroughs from the fact that members of the Council were tradesmen whose weights and measures were subject to inspection by the Inspector, who was dependent on their good will for his advancement, or even for the continuance of his appointment.* Provision existed for joint action between Local Authorities, and in some instances the Inspector for a County also acted for one or more Boroughs within the County; but, generally speaking, there was very little combination between Authorities.†

22. It was submitted that "a large area is more easy than a small one to administer efficiently, particularly having regard to the rapidly increasing complexity of modern appliances, which renders most desirable a more highly organized staff, including specialists skilled in different directions, with an officer of superior education in charge", and that "a reduction in the number of small independent areas, with corresponding increase in the staff of each district, would tend to increased efficiency, to the greater independence of the Inspectors, and to the elimination of local jealousy and competition for fees."‡ As an ideal arrangement, it was suggested that this function should be discharged by the Authority of an area of such a size and character as to justify the employment of two fully-qualified Inspectors for substantially the whole of their time. A minimum population of about 75,000 would be necessary to effect this; but it was realized that this proposal would not at present be practicable.§

23. Apart from the question of the distribution of this function between the County Council and other Local Authorities,

* Board of Trade (Sears), **M. 14** (II, 293), Q. 4369–70 (II, 296).
† Board of Trade (Sears), **M. 7** (II, 293), Q. 4309 (II, 294).
‡ Board of Trade (Sears), **M. 14** (II, 294).
§ Board of Trade (Trump), **M. 68** (VIII, 1572), Q. 26,508 (VIII, 1576), Q. 26,568 (VIII, 1578).

some of the evidence of the Board of Trade was directed to pointing out that the Acts did not provide the Board with effective means of compelling Local Authorities to administer the law, and it was suggested that the Board would be in a stronger position if the recommendation made by the Standards Commission in 1870 for the appointment of travelling Inspectors had been adopted.*

Evidence on behalf of the Local Authorities.

24. The County Councils Association were in agreement with the views expressed by the Board of Trade as to the difficulties of administering this service in small areas, and submitted that the County Council should be the responsible Authority throughout the Administrative County.†

25. Attention was called by the Association of Municipal Corporations to the fact that the Council of a Borough which had a population of 10,000 in 1881 might be the Authority for Weights and Measures at the present time although the population had shown very little increase, while, on the other hand, the Council of a Borough created since 1881 and with a present population of 40,000 might not be the Authority.‡ The Association also represented to us that it was inequitable that Quarter Session Boroughs administering the Weights and Measures Acts, and any other Borough administering the Acts since prior to the year 1893, should be exempt from contributing to the County rate for this purpose, while any Borough commencing to administer the Acts since 1893 should have to pay its own expenses and contribute to the County rate as well.§

26. The Association were of opinion that Borough Councils should be the Authorities to administer the Weights and Measures Acts where the population exceeded 20,000.‖ It was suggested that an Authority with that population should, generally speaking, have no difficulty in offering a salary sufficiently large to secure an Inspector of the right type, especially as the duties under the Weights and Measures Acts could be, and frequently were, combined with the duties under other statutes such as the Shops Acts, thus enabling an Authority

* Board of Trade (Sears), **M. 11** (II, 293), Q. 4334–41 (II, 295), Q. 4380–5 (II, 296), Q. 4389–95 (II, 296–7); (Trump), Q. 26,606 (VIII, 1579), Q. 26,621–5 (VIII, 1580).

† County Councils Association (Dent, Hinchliffe, and Holland), **M. 107** (X, 2028), Q. 32,975 (X, 2039–40); (Dent and Holland), **M. 153**, Q. 38,002 (XIII, 2369).

‡ Association of Municipal Corporations (Raynes), **M. 26** (VII, 1448); (Darlow), **M. 127** (XI, 2110).

§ Association of Municipal Corporations (Raynes), Q. 24,628–31 (VII, 1448).

‖ Association of Municipal Corporations (Raynes), **M. 2** (VII, 1439); (Winter), **M. 42** (VII, 1450); (Jarratt), **M. 114** (XI, 2085).

to pay their Chief Inspector, if more than one, or their Inspector, if one only, on a more generous scale.*

27. The Association agreed that in very small Boroughs the expense of administering the Weights and Measures Acts locally was not justified; but they submitted that the Authority of a Borough with a population exceeding 20,000 were capable, not only of administering the Acts with efficiency and despatch, but of meeting all necessary expenditure in connexion therewith.†

28. The Urban District Councils Association considered that an Urban District Council who had attained the minimum standard of qualification enabling them to exercise the full powers of an Urban District Council should be entrusted with the administration of the Weights and Measures Acts.‡

29. It may be convenient to repeat here the explanation given in our Second Report (paragraph 113) regarding the Association's reference to a "minimum standard of qualification". That paragraph was as follows:—

> "The Association suggested that the 'minimum standard of qualification' should not be based on population or rateable value, but that a combination of the two should be adopted, and that the formula should be sufficiently elastic to admit of the greater powers to which the Association referred being conferred upon an Authority when, by reason of growth or development or amalgamation, they were able to show that they had attained the minimum standard qualifying them for the greater powers."

30. No evidence was submitted on behalf of the Rural District Councils Association in regard to the administration of the Weights and Measures Acts.

Conclusion and Recommendation.

31. We have come to the conclusion that the present assignment of this function results in undesirable anomalies, and that the duties devolve in some cases upon small Authorities who are not in a position to discharge them effectively. It would, in our view, be desirable that the number of Authorities administering the Weights and Measures Acts should be reduced; and we should be disposed to suggest that County Councils and County Borough Councils are best equipped to administer these Acts. In view, however, of the fact that the duties are in some respects analogous to police duties we think that the function

* Association of Municipal Corporations (Darlow), **M. 184** (XIII, 2381).
† Association of Municipal Corporations (Darlow), **M. 191** (XIII, 2381).
‡ Urban District Councils Association (Postlethwaite), **M. 49** (VII, 1475); (Postlethwaite, Abbott, and Dodds), **M. 68** (*e*) (XI, 2149).

should be retained by the Councils of the larger Non-County Boroughs who have a separate police force and are already administering the Weights and Measures Acts.

32. We therefore recommend that the administration of the Weights and Measures Acts should be assigned to County Councils and County Borough Councils, and to the Councils of Non-County Boroughs with a population of 20,000 who maintain a separate police force and are already administering these Acts. But we consider that such Non-County Borough Councils should surrender their powers to the County Council in any case where they are unable to discharge the function efficiently.

33. Further, we recommend that a County Council should be empowered to delegate the administration of the Weights and Measures Acts to the Council of any County District if they think fit.

Section III.—Administration of the Food and Drugs (Adulteration) Act, 1928, and Appointment of Public Analysts.

34. Under section 13 of the Food and Drugs (Adulteration) Act, 1928, which repealed and consolidated, without amendment, the Sale of Food and Drugs Acts, 1875 to 1927, Borough Councils are Food and Drugs Authorities and are required to administer the Food and Drugs (Adulteration) Act, 1928, and to appoint a Public Analyst if the Borough (*a*) has a separate police establishment, or (*b*) had a population of not less than 10,000 according to the Census of 1881, and had on the 13th August, 1888 (the date of the passing of the Local Government Act, 1888), and for the time being has, a separate Court of Quarter Sessions. Elsewhere in an Administrative County, these duties are carried out by the County Council as the Food and Drugs Authority. By section 16 of the Act of 1928, any Medical Officer of Health, Sanitary Inspector, Inspector of Weights and Measures, Inspector of a Market, or police constable acting under the direction and at the cost of the Local Authority appointing him or charged with the execution of the Act, is empowered to purchase any sample of food or drug; and, by section 17, if he suspects that the provisions of the Act have been infringed, it becomes his duty to submit the sample for analysis by the Public Analyst.

Evidence on behalf of the Local Authorities.

35. The arguments put forward by the Associations of Local Authorities in regard to the distribution of this function were substantially the same as those summarized above in relation to the assignment of responsibility for the administration of the Weights and Measures Acts. The Association of Municipal Corporations further suggested that the Sale of Food and Drugs Acts should be administered by the Council of any Borough

having a Medical Officer precluded from engaging in private practice.*

Evidence on behalf of the Minister of Health.

36. The position was summarized in the memorandum submitted on behalf of the Minister of Health as follows† :—

"There has been general agreement in the evidence that the special conditions under which full powers to discharge this function (that is, power to appoint a Public Analyst as well as power to cause samples to be taken) are at present assigned to Local Authorities are so irrational as to impede efficient administration.

"It appears to the Minister to be established that both the technical character of the work and the relations which it sets up between the Local Authorities and the public lead to the conclusion that responsibility for the discharge of this function should be concentrated in the hands of Authorities having jurisdiction over reasonably wide areas and possessing adequate financial resources.

"The population in 1921, in round figures, of the ten smallest Boroughs where the Town Councils at present appoint Public Analysts, and the total numbers of samples examined in those areas in 1926, the last year for which returns are available, were as follows :—

Population, 1921.	*Samples examined, 1926.*	*Population, 1921.*	*Samples examined, 1926.*
9,700	43	12,200	29
10,000	38	12,800	103
11,700	43	12,900	40
12,000	39	13,300	46
12,200	41	13,400	59

"It is clear that the Local Authorities of areas with small populations and restricted financial resources cannot generally be expected to make satisfactory provision for the execution of the work so long as it has to be conducted within any such limits as these; and it is accordingly suggested that if the distribution of this function is to be placed on a rational basis, it should be assigned to County Councils, but that Urban Authorities (whether already empowered to appoint Public Analysts or not) who employ a Medical Officer of Health, either alone or in combination with other Local Authorities, on terms which preclude him from engaging in private practice, should be enabled by statute to represent to the Minister that it is desirable that full powers to administer the Sale of Food and Drugs Act should be entrusted to them."

* Association of Municipal Corporations (Jarratt), **M. 113** (XI, 2084).
† Ministry of Health (Robinson), **M. 726–9** (XII, 2284).

37. In the course of his oral evidence, the Secretary of the Ministry explained that while it was suggested that the main powers should be assigned to County Councils, it was not proposed to deprive Sanitary Authorities of their powers to procure samples and take proceedings.*

Conclusion and Recommendation.

38. It appears to us that the arguments are conclusive in favour of a simplification in the distribution of this service, and that the full powers and duties (comprising the appointment of an Analyst as well as the taking of samples) should be assigned to Authorities having jurisdiction over considerable areas; and we think that the Councils of Counties and County Boroughs are the most suitable Authorities for this purpose. It is not, however, our intention that the Borough Councils who are now exercising these powers should entirely cease to do so; which, indeed, would clearly not be in accordance with the public interests. On the contrary, it is, in our opinion, desirable that they and the Councils of other County Districts should continue through their Medical Officers or other officers to take samples of food and drugs from time to time for the purpose of analysis, and should when necessary cause proceedings to be taken with a view to securing due observance of the Act. In order that Councils of County Districts may be encouraged and assisted in the performance of these functions, a County Council should have power to contribute towards the cost.

39. We therefore recommend that :—

(i) The administration of the Food and Drugs (Adulteration) Act, 1928, and the appointment of Public Analysts should be assigned to County Councils and County Borough Councils;

(ii) Councils of County Districts should retain the right to procure samples and take proceedings; and

(iii) A County Council should be empowered, if they think fit, to contribute towards the cost incurred by a Council of a County District.

Section IV.—Administration of the Milk and Dairies Acts.

40. The Milk and Dairies (Consolidation) Act, 1915, came into operation on the 1st September, 1925, and by it County Councils were invested for the first time with functions as to the health and inspection of cattle.

41. Section 19 (4) of the Act defines the expression " Local Authority " in the Act as including Sanitary Authorities (Town

* Ministry of Health (Robinson), Q. 37,441–4 (XII, 2287).

Councils, Urban District Councils, and Rural District Councils) and County Councils, but provides with respect to any Milk and Dairies Order made under section 1 of the Act that the Order may prescribe by what Local Authority or Local Authorities the several provisions of the Order are to be enforced and executed.

42. The Milk and Dairies Order, 1926, made under section 1 of the Act of 1915, prescribes that the provisions of Part IV of the Order, which relate to the health and inspection of cattle, shall be executed in Administrative Counties by County Councils, and the other provisions by Sanitary Authorities.

43. Under sections 3, 4, and 5 of the Act of 1915 (which confer a power to stop supplies of milk likely to cause tuberculosis, impose an obligation to inspect dairies in certain cases, and prohibit the sale of milk from cows suffering from certain diseased conditions) the Local Authorities primarily responsible in Administrative Counties are the County Councils.

But sub-section (4) of section 3 empowers the Minister of Health by Order to direct that any Non-County Borough Council who are a Local Authority for the purposes of the Diseases of Animals Acts shall discharge the functions of the County Council under sections 3 and 4 within the Borough, and in such cases the Borough Council and not the County Council are the Authority for taking proceedings for enforcing the provisions of section 5. The Order of 1926 above referred to provides that where the Minister has made an Order under sub-section (4) of section 3 of the Act of 1915, with respect to a Non-County Borough, Part IV of that Order shall be enforced and executed by the Council of the Borough as if the Borough were a County Borough.

44. Section 3 of the Milk and Dairies (Amendment) Act, 1922, prohibits the sale of milk under special designations, except under a licence granted by the Minister of Health or with his authority under the provisions of an Order made under the Act: and section 10 provides that section 3 shall be enforced by Local Authorities who administer the Sale of Food and Drugs Acts, now consolidated in the Food and Drugs (Adulteration) Act, 1928, and also by any Local Authority authorized by the Minister to grant licences under section 3. Under the Milk (Special Designations) Order, 1923, made under that section, County Councils grant licences to producers of "Grade A" milk (the licences to producers of other grades being granted by the Minister), and County District Councils grant licences to distributors of all grades of milk.

Evidence on behalf of the Local Authorities.

45. The County Councils Association proposed that all functions under the Milk and Dairies Acts, except those relating to the veterinary inspection of cattle and the granting of "Grade A"

licences, should be transferred by statute from County Councils to the Councils of County Districts.*

46. The Association of Municipal Corporations suggested that the powers of stopping supplies of milk, inspecting dairies, and the granting of "Grade A" licences, should be transferred from County Councils to Town Councils who (*a*) are Authorities under the Diseases of Animals Acts, (*b*) have an adequate staff, and (*c*) are otherwise capable of discharging these functions.†

47. The Urban District Councils Association considered that in certain Urban Districts the machinery which had been set up to secure the purity of the milk supply was more efficient than that of the County, and that in many cases there was justification for the amendment of the Acts of 1915 and 1922, and the Orders made thereunder, so as to confer greater powers upon Urban District Councils.‡

48. The Rural District Councils Association were of opinion that the distribution of functions under the Milk and Dairies Order of 1926, by which work affecting the health and inspection of cattle was assigned to County Councils, and other functions affecting the distribution of milk to County District Councils, was unsatisfactory and led to confusion. Further, the persons affected by the Order should be able to refer to a local officer whom they knew and who should be easily accessible to them.§

They accordingly suggested that the functions of Local Authorities under this Order and under the Milk and Dairies Acts of 1915 and 1922 should be concentrated in the hands of County District Councils, subject to the retention of a general provision that where a District Council failed to discharge their functions properly the Minister should be empowered to transfer the responsibility to the County Council.¶

Evidence on behalf of the Minister of Health.

49. It was pointed out, on behalf of the Minister of Health, that the existing law in relation to the discharge of these functions enabled the responsible Authorities for a number of particular purposes to be varied, on administrative grounds, under the provisions which have been cited in paragraphs 40 to 44 above, and that these powers had been used, in the Milk

* County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,975 (X, 2039–40).

† Association of Municipal Corporations (Jarratt), **M. 122–3** (XI, 2086), Q, 33,688–96 (XI, 2084–5); (Darlow), **M. 103–11,** Q. 34,049–59 (XI, 2107–8), **M. 156–69** (XIII, 2378–9).

‡ Urban District Councils Association (Postlethwaite), **M. 201** (XIV, 2489).

§ Rural District Councils Association (Pindar), Q. 30,329–30 (X, 1891).

¶ Rural District Councils Association (Pindar), Q. 30,325–7 (X, 1890), Q. 30,343–6 (X, 1891).

and Dairies Order, 1926, to effect substantial variations in the previous assignment of the functions to which the Order relates. No part of the Order had, however, been in operation for so long as two years at the time that evidence on behalf of the Minister was given; and some of its provisions would not become operative for a considerable time. It was suggested that the facilities already provided under the law affecting these functions for assessing the capacity of the different Authorities, and assigning the functions to the Authority who appear most capable, were reasonably adequate. The Minister had accordingly, in the light of the experience then available, no suggestion to submit to us for any redistribution of these functions.*

Conclusion and Recommendation.

50. The recital of the principal provisions of the Milk and Dairies Acts and Orders in paragraphs 40 to 44 above reveals the complicated arrangements under which this service is administered, and shows that in this instance there are ample facilities for varying the Authorities administering various parts of the service if such a course proves necessary. The present arrangements have been in force for a very short time, and we concur in the view that there is not yet sufficient experience to indicate whether it is desirable to make any changes in the direction advocated in the evidence on behalf of the Local Authorities. We therefore do not recommend any further reassignment of functions at this stage.

Section V.—Byelaws under the Advertisements Regulation Acts.

51. Under the Advertisements Regulation Act, 1907, byelaws with regard to the regulation of advertisements may be made, subject to confirmation by the Secretary of State, by the Councils of all Boroughs and by the Councils of Urban Districts with a population of over 10,000 according to the last Census for the time being. For the remainder of the County the County Council are the Authority.

A County Council may, however, under section 2 of the Advertisements Regulation Act, 1925, delegate their powers of making and enforcing such byelaws to the Council of any Urban District with a population of less than 10,000, and they may also delegate to any Rural District Council the power of enforcing any byelaws made by the County Council.

Evidence on behalf of the Local Authorities.

52. The County Councils Association submitted that byelaws should operate impartially throughout a whole County and not merely in detached County Districts. At present, a disfiguring

* Ministry of Health (Robinson), **M. 730–1** (XII, 2284).

advertisement on one side of a road or on property in the County area can be removed, while similar hoardings on the other side of the road or on adjoining property in the District of an autonomous but inactive Local Authority cannot be dealt with. It was therefore suggested that the County Council should be the sole Authority throughout the County for the purpose of making these byelaws.* In the event of the County Council failing to make byelaws, it was apparently contemplated that a County District Council should be empowered to approach the Secretary of State with a request for power to make byelaws for their own area.†

53. The Association of Municipal Corporations considered that this was clearly a matter which should be dealt with locally by the Borough Council. It was submitted that these were complicated byelaws involving a greater knowledge of the locality than would be possessed by the County Council.‡

54. No evidence on this question was submitted on behalf of the Urban District Councils Association or the Rural District Councils Association.

Conclusion.

55. We have come to the conclusion that, although anomalies arise from the present statutory provisions, the matter is one which can probably be best adjusted by the force of public opinion; and we do not, therefore, recommend any amendment of the law.

Section VI.—Byelaws for Good Rule and Government.

56. Byelaws for good rule and government may be made by Borough Councils under section 23 of the Municipal Corporations Act, 1882, and by County Councils under section 16 of the Local Government Act, 1888. These byelaws may come into force 40 days after the receipt of a sealed copy by the Home Secretary; but during that period, or such extended period as he may fix, Your Majesty on the advice of Your Privy Council may disallow such byelaws or any part of them. The Privy Council act in this matter on the advice of the Home Secretary.§

Evidence on behalf of the Local Authorities.

57. The County Councils Association, in their proposals for the distribution of functions, indicated byelaws as a matter which

* County Councils Association (Dent, Hinchliffe, and Holland), **M. 6** (X, 1961), Q. 33,000–5 (X, 2041–2).

† County Councils Association (Dent, Hinchliffe, and Holland), Q. 33,006–9 (X, 2042).

‡ Association of Municipal Corporations (Jarratt), **M. 117**, Q. 33,707 (XI, 2085).

§ Home Office (Dixon), **M. 65** (II, 246).

should be entirely in the jurisdiction of the County Council;* but in oral examination the representatives of the Association suggested that Borough Councils should not necessarily be deprived of their powers of making byelaws for good rule and government, provided that steps could be taken by the Secretary of State to secure that there should be uniform byelaws throughout the County area.†

58. The Association of Municipal Corporations submitted that Borough Councils should retain their existing powers to make byelaws for good rule and government, as these powers have been attached to Municipal Corporations for centuries, and are so inseparable from their Charter rights as to be almost inherent.‡

59. The Urban District Councils Association were of opinion that an Urban District Council who had attained the minimum standard of qualification entitling them to exercise the full powers of an Urban District Council should be empowered to make and enforce byelaws for good rule and government.§

60. No evidence on this question was submitted on behalf of the Rural District Councils Association.

Evidence on behalf of the Home Office.

61. The Home Office deprecated the assignment of this function to Urban District Councils for the following reasons:—

(*a*) Good rule byelaws are enforced by the police.

(*b*) In many instances they concern not only persons residing in the District but persons passing through it.

(*c*) There is need for greater, and not less, uniformity in regard to these byelaws; and, therefore, the number of potential byelaw-making Authorities should not be increased.

(*d*) Any increase would throw additional work upon the Central Department.‖

62. We consulted the Home Office upon a proposal that Urban District Councils might be given a right of appeal against the refusal of the County Council to make a byelaw in compliance with a request of the District Council. The Home Office took the view that the objections enumerated above would apply equally to this proposal, and added the further objections:—

(*a*) A right of appeal would not harmonize with byelaw procedure.

* County Councils Association (Dent, Hinchliffe, and Holland), **M. 6** (X, 1961), Q. 32,975 (X, 2039–40).

† County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,991–9 (X, 2041).

‡ Association of Municipal Corporations (Darlow), **M. 83** (XI, 2105).

§ Urban District Councils Association (Postlethwaite, Abbott, and Dodds), **M. 68** (*g*), Q. 34,629 (XI, 2149–50).

‖ Home Office, Appendix CXIX, **M. 163–4** (XIV, 2544).

(*b*) The power to make byelaws is itself a power delegated by Parliament to a County Council, and to provide that in certain circumstances the Central Department might delegate the power to an Urban District Council within the jurisdiction of the County Council would introduce a new and undesirable element into the practice of delegation.

(*c*) The function of the Central Department in deciding such appeals would involve administrative difficulties and might cause unnecessary friction. It must be assumed that the County Council are invested by Parliament with the power to make byelaws for their area because they know and are in the best position to review the local needs of their area.*

Conclusions and Recommendations.

63. In considering this exceptionally difficult issue, we have proceeded on the assumption that it would be scarcely practicable to withdraw from any of the Borough Councils the byelaw-making power which is an ancient privilege, jealously guarded by tradition and sentiment. But so long as this power is retained by the Councils of the smaller Boroughs (of which there are 66 with populations of less than 5,000†), it appears to us difficult, having regard to the practical needs of administration to-day, to defend a situation in which the Councils of the larger Urban Districts (of which there are 83 with more than 20,000 inhabitants†) should be denied this power. It is in regard to these larger Urban Districts that the assignment of this function presents difficulty. We appreciate the force of the argument advanced by the Home Office that these byelaws are primarily enforced by the police, and of course in Urban Districts (outside the Metropolitan Police District) responsibility for the police is vested in the Standing Joint Committee, which is composed partly of representatives of Quarter Sessions and partly of representatives of the County Council. On the other hand, in the case of the larger towns, we are not prepared to accept the assumption that the County Council are necessarily in the best position to know and to review the local needs. Moreover, the consideration that in making byelaws for good rule and government there is special need for uniformity is met by the existing power of the Central Department to secure a measure of uniformity in different codes by the use of model forms, and to disallow any byelaws.

64. We should, however, deprecate any proposal that would unnecessarily increase the number of Authorities exercising the power of making these byelaws; and therefore the conferment of the power on Urban District Councils in addition to Borough

* Home Office, Appendix CXIX, M. 165–8 (XIV, 2544).
† Second Report, paragraph 19.

Councils would not in our view be desirable. It appears to us that the exercise of this function may ultimately have to be rationalized on the basis that it should be exercised by County Councils, County Borough Councils and the Councils of the larger Non-County Boroughs and Urban Districts. But the difficulty of depriving the Councils of smaller Non-County Boroughs of a power which they have so long enjoyed militates against this logical solution of the problem. Therefore, while indicating this as the direction in which the possibility of further action should be explored, we feel that at the present stage it may not be practicable to go further than recommend a right of appeal against a refusal on the part of a County Council to make a byelaw.*

65. With regard to the objection that this right of appeal might throw additional work upon the Central Department, we are not satisfied that it is equitable to refuse to Urban District Councils both the right to make these byelaws and also the right of any appeal against the County Council's refusal to make them. We appreciate, moreover, that the County Council's power to make these byelaws is itself a delegated power, and that there may, therefore, be constitutional objections to the Central Department making a further delegation to a District Council; but the objection to further delegation loses force in view of the provisions of section 2 of the Advertisements Regulation Act, 1925, referred to in paragraph 51 above, under which a County Council are empowered to delegate to the Council of any Urban District with a population of less than 10,000 the power of making and enforcing byelaws, and to any Rural District Council the power of enforcing byelaws made by the County Council. If, as a result of an appeal, it appeared that a byelaw should be made, it would perhaps be possible for the Home Office to give directions to the County Council to make it. The precise procedure is a matter for further consideration if the principle of the right of appeal were accepted. We have come to the conclusion that such a right of appeal and powers of enforcement might be granted to Urban District Councils, and that Rural District Councils might be put on the same footing as Urban District Councils in this matter.

66. We therefore recommend that, while the power of making byelaws for good rule and government outside the areas of Boroughs should be left in the hands of the County Council, Urban and Rural District Councils should have the right to appeal to the Secretary of State against a refusal on the part of the County Council to make such byelaws, and should have concurrent powers to enforce the byelaws.

* Mr. Bond would have preferred that the power to make byelaws for good rule and government should be conferred forthwith upon Urban District Councils who have attained a minimum standard of qualification.

Section VII.—Licensing of Theatres, Cinematograph Exhibitions, and Places for Music and Dancing.

67. In this Section we deal with three forms of licensing which, though governed by separate statutes, are directed to analogous purposes; and it is convenient to consider them together, particularly as we have come to the conclusion that the provisions for the three services should be made uniform.

68. Under the Theatres Act, 1843, as amended by the Local Government Act, 1888, the Licensing Authorities for theatres* are County Councils and County Borough Councils. A County Council may, however, under section 28 (2) of the Local Government Act, 1888, delegate their powers to any Committee of the County Council, to the Council of any County District, or to County Justices sitting in Petty Sessions.

69. Under the Cinematograph Act, 1909, the Licensing Authorities for cinematograph exhibitions are, except in the case of premises licensed by the Lord Chamberlain, County Councils and County Borough Councils; but a County Council may delegate their powers to any Committee of the County Council, to the Council of any County District, or to Justices sitting in Petty Sessions.

70. As regards the licensing of places for music and dancing, the position is as follows :—

(*a*) In the Cities of London and Westminster and places within 20 miles thereof the licensing of places for music and dancing was originally governed by the Disorderly Houses Act, 1751. By the Local Government Act, 1888, the County and County Borough Councils within those limits became the Licensing Authorities, a County Council being empowered by section 28 (2) of the Act to delegate their powers to any Committee of the County Council, or to the Council of any County District, but not to the Justices. This, however, has been the subject of further enactments :—

(i) In the County of London, certain provisions of the Disorderly Houses Act, 1751, have been modified by the London County Council (General Powers) Acts, 1915, 1923, and 1924.

(ii) In the County of Middlesex, and in so much of the County of Surrey as is within the 20 miles limit, the Disorderly Houses Act, 1751, has been superseded by the Music and Dancing Licences (Middlesex) Act, 1894, and the Surrey County Council Act, 1925, Part VI, respectively.

* With the exception of theatres (not being patent theatres) in the areas named in section 3 of the Theatres Act, 1843, for which the Lord Chamberlain is the Licensing Authority, and patent theatres, which require no licence under the Theatres Act, 1843.

(iii) In the remainder of the area within the 20 miles limit (i.e., the County Boroughs of Croydon, East Ham and West Ham, and portions of the Administrative Counties of Buckinghamshire, Essex, Hertfordshire, and Kent) the Disorderly Houses Act, 1751, has been superseded by the Home Counties (Music and Dancing) Licensing Act, 1926. Under that Act the four County Councils concerned may delegate their powers to a Committee of the County Council, or their powers other than the power to make regulations to the Council of a Borough or Urban District having a population, according to the last Census for the time being, of not less than 20,000.

(*b*) For areas outside the 20 miles limit above mentioned,

(i) If Part IV of the Public Health Acts Amendment Act, 1890, has been adopted by an Urban Authority, or brought into operation by Order of the Minister of Health in a Rural District, the Licensing Authority for places for music and dancing are the Licensing Justices. But some Borough Councils have obtained powers to deal with music and dancing under Private Acts, and in some of those Boroughs the Justices, and in others the Borough Council, are the Licensing Authority.

(ii) If no powers have been obtained by Private Act, and if Part IV of the Act of 1890 has not been adopted or brought into force by Order, no licence is required for music or dancing, and there is no Licensing Authority.

71. From the above statement of the present law, it will be seen that there are substantial differences between the existing arrangements governing the granting of three classes of licences involving very similar considerations, and also that there exists great diversity in the Licensing Authorities for music and dancing.

Evidence on behalf of the Home Office.

72. We were informed by the Home Office that they were in favour of uniformity of Licensing Authorities for theatres, music and dancing, and cinematograph exhibitions, and would welcome any recommendations having that object in view. It was mentioned that under the present arrangements confusion often arises regarding the Authority to whom application should be made for a particular class of licence, and that sometimes applications have to be made to different Authorities for the three classes of licence for the same premises.*

* Home Office (Dixon), **M. 133** (IX, 1830), Q. 29,449, Q. 29,463–9 (IX 1831).

73. The Home Office submitted that, as a general rule, powers of this kind should be exercised by County and County Borough Councils, but they did not see any objection to a proposal to give licensing powers to the Councils of the larger Non-County Boroughs with a population of 30,000 or over, though that figure was not suggested as an arbitrary limit, but only as a general indication of the limit within which the function might be assigned. On the question of giving similar powers to Urban District Councils, the Home Office inclined to the view that if that course were taken the population limit should be rather higher, both for Boroughs and Urban Districts.*

Administration of these services by large Authorities was advocated on the ground that wider experience and better technical staff are at the disposal of the larger Authority, and that there would be an absence of considerations of personal interests which sometimes arise in the case of the smaller Authorities.†

74. It was further submitted on behalf of the Home Office that it seemed a question for consideration whether the wide powers of delegation now existing were in the interests of administrative efficiency and uniformity. In practice, some County Councils have delegated the power of licensing cinematograph exhibitions to District Councils generally, both Urban and Rural, which the Home Office did not think was the intention of Parliament when the power of delegation was given. The Home Office would, therefore, welcome proposals to limit the delegation of licensing powers in respect of theatres, music and dancing, or cinematograph exhibitions to Committees of the County Council or County Borough Council, and possibly—to meet the case of Rural Districts in the remoter parts of a County—to Justices sitting in Petty Sessions. They pointed out, however, that while delegation to Justices would secure the advantage of local knowledge, it would have the disadvantage that the Justices, having no staff to enforce the conditions of licences granted by them, would probably have to rely on the officers of the County Council to ensure that the law would be observed. Notwithstanding this disability, it was suggested that in rural areas the Justices would be a more suitable body to exercise licensing jurisdiction than the smaller District Councils.‡

75. In submitting their final memorandum of evidence, the Home Office suggested that if it were considered necessary to recommend delegation beyond these limits, it would be desirable that the Central Department should be given a power to make regulations similar to the power now conferred by section 20 of the Cinematograph Act, 1909.

* Home Office (Dixon), **M. 134** (IX, 1830), Q. 29,470–80 (IX, 1831–2).
† Home Office (Dixon), Q. 29,484–518 (IX, 1832–3).
‡ Home Office (Dixon), **M. 136** (IX, 1830), Q. 29,519–37 (IX, 1833–4).

Evidence on behalf of the Local Authorities.

76. The County Councils Association, while not dissenting from the suggestion made by the Home Office that these licensing powers should be confined in the first instance to County and County Borough Councils and the Councils of those Non-County Boroughs having a population of at least 30,000, expressed some doubt as to the advisability of the proposal that delegation should be limited to Committees of the County and County Borough Councils and to the Justices in rural areas.* They submitted that a more satisfactory arrangement would be for the County Council to prescribe the principal conditions (structural and otherwise) under which licences for permanent or temporary buildings might be granted in their area, and to have power, if they so desired, to delegate either to the Councils of County Districts or to the Justices the direct functions of considering and determining applications for licences and inspecting the buildings to which they relate.† Such an arrangement, it was suggested, would lead to a uniform procedure throughout the County, and would bring to an end the unsatisfactory position now existing in many rural areas in the country where no attention is paid to the conditions under which music and dancing are carried on.‡

77. The Association of Municipal Corporations agreed with the views of the Home Office as to the desirability of uniformity of Licensing Authorities for theatres, cinematograph exhibitions, and music and dancing, but they were of opinion that licensing powers should be conferred by statute, and not by delegation from the County Council, on the Councils of Non-County Boroughs having a minimum population of 20,000.§ They pointed out that buildings must be erected in accordance with the local building byelaws, that where section 36 of the Public Health Acts Amendment Act, 1890, is in force the Borough Council are responsible for regulating the means of exit in case of fire, that the Town Council of a Borough with a population of 20,000 employ a competent Surveyor, Chief Officer of Fire Brigade and Sanitary Inspector, and that under the law as it is at present one Authority may licence a building for cinematograph purposes and another for stage plays. It was suggested, therefore, that it would be more appropriate for the

* County Councils Association (Dent, Hinchliffe, and Holland), **M. 103**, Q. 32,724–8 (X, 2027).

† County Councils Association (Dent, Hinchliffe, and Holland), **M. 105** (X, 2027).

‡ County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,731–40, Q. 32,753 (X, 2027–8).

§ Association of Municipal Corporations (Jarratt), **M. 115** (XI, 2085); (Darlow), **M. 146, M. 148** (XIII, 2377).

Borough Council to be entrusted with full powers for all three classes of licences.*

78. The Urban District Councils Association were of opinion that Urban District Councils should exercise full powers of licensing of theatres, cinematograph exhibitions, and music and dancing. The arguments advanced by the Association were similar to those of the Association of Municipal Corporations set out above.†

79. The inclusion by the Urban District Councils Association under this head of a reference to the licensing of stage plays appears to have arisen from a misapprehension. Responsibility for this work is in the hands of the Lord Chamberlain, and Local Authorities have no jurisdiction with respect to it.‡

80. No evidence with regard to the licensing of theatres, cinematograph exhibitions, or places for music and dancing was submitted on behalf of the Rural District Councils Association.

Conclusions and Recommendations.

81. There is in our view a clear need for a simplification of the law in regard to these functions. The machinery for the three forms of licensing, i.e., for theatres, cinematograph exhibitions, and places for music and dancing, should be made uniform and should be the same throughout the country. As to the distribution of the duties among Local Authorities, we think that they should clearly be assigned primarily to County Councils and County Borough Councils; but, after full consideration of the arguments presented to us, we think that the Councils of the larger Non-County Boroughs and Urban Districts should also have these powers. The precise delimitation of the two last-named classes of Authorities could, in our view, be properly determined with reference to all the relevant factors when the details of a Bill are under consideration. As regards other County Districts, we have come to the conclusion that County Councils should have a wide discretion to delegate powers either to District Councils or to Justices. This would ensure sufficient flexibility to meet local needs. Further, we concur in the suggestion of the Home Office that the Central Authority should have power to make such general regulations as may be advisable to ensure a minimum standard of safety.

* Association of Municipal Corporations (Darlow), **M. 149–53** (XIII, 2377), Q. 38,051–4 (XIII, 2377–8), Q. 38,061 (XIII, 2378).

† Urban District Councils Association (Postlethwaite, Abbott, and Dodds), **M. 67** (*f*) (XI, 2147), Q. 34,614–21 (XI, 2149), **M. 102** (XI, 2159); (Postlethwaite), **M. 194–6** (XIV, 2488).

‡ Report from the Joint Select Committee on the Stage Plays (Censorship), H.C. 303 of 1909, p. vi.

82. We therefore recommend that—

(*a*) Provision for the licensing of theatres,* cinematograph exhibitions, and places for music and dancing should be made uniform.

(*b*) The powers should be vested primarily in County Councils, County Borough Councils, and the Councils of the larger Non-County Boroughs and Urban Districts.

(*c*) As regards other County Districts, the County Council should be empowered to delegate their powers either to the District Council or to the Justices in Petty Sessions.

(*d*) With a view to securing a minimum standard of safety, a power to make general regulations for securing safety similar to that provided by section 2 (1) of the Cinematograph Act, 1909, should be conferred on the Home Office.

Section VIII.—Appointment of Gas Examiners.

83. Under sub-section (3) of section 4 of the Gas Regulation Act, 1920, a Local Authority having jurisdiction within the limits of supply of any statutory gas undertaking may, unless they are themselves the undertakers, appoint a Gas Examiner to test the gas and the pressure at which it is supplied. Local Authorities for this purpose are, outside London, the Councils of Counties, County Boroughs, Boroughs and Urban Districts, but not Rural District Councils. A Gas Examiner may be appointed to act on behalf of any number of Local Authorities, who may enter into such arrangements as they think fit in regard to his joint appointment and employment. Further, under the same sub-section, as amended by the Gas Undertakings Act, 1929, any County Council may, if they think fit, with the consent of any other Local Authority within the County, who are not themselves the undertakers, appoint a Gas Examiner, who shall have the same powers as if he were appointed by the Local Authority.

84. Under sub-section (4) of section 4 of the Gas Regulation Act, 1920, where no Gas Examiner is appointed by the Local Authority, or where the testing of gas is imperfectly attended to, Quarter Sessions, on the application of not less than five consumers, may appoint a competent and impartial person to act as Gas Examiner. Any person so appointed has the same powers as if he were appointed by the Local Authority, and his remuneration up to an amount approved by Quarter Sessions is payable by the Local Authority.

Evidence on behalf of the Board of Trade.

85. It was submitted on behalf of the Board of Trade that the County Council were a convenient body, in conjunction with

* Excepting patent theatres and those licensed by the Lord Chamberlain.

other Local Authorities, to appoint a Gas Examiner to act throughout the County. Such a course was suggested, not as giving the County Council power of supervision over other Authorities, but as a matter of convenience and economy.*

Evidence on behalf of the Local Authorities.

86. The County Councils Association were of opinion that there should be such amendment of the Gas Regulation Act, 1920, as would enable adequate steps to be taken in all areas to secure a supply of gas at suitable pressure and of proper quality. They suggested that possibly the best method of attaining this object would be to provide that, in the Administrative County areas, the County Council should be constituted the Authority for the compulsory appointment of Gas Examiners, and should be empowered to charge the cost upon the various County Districts in such proportions as the County Council considered best represented the benefit received.† Mr. (now Sir Edward) Holland admitted in his oral evidence, however, that the Association did not desire to press this view, and that there would be no objection from the County Council point of view to Rural District Councils appointing Gas Examiners for their own areas.‡

87. The late Mr. Pindar, on behalf of the Rural District Councils Association, submitted that Rural District Councils should have the same powers to appoint a Gas Examiner as are possessed by Borough and Urban District Councils. He was unable to see why County Councils should be brought into the matter at all, as they were not Lighting Authorities.§

Conclusion and Recommendation.

88. It appears to us that the practical requirements of the service are adequately met by the present arrangements, except as regards Rural Districts; and, on the evidence before us, we have come to the conclusion that Rural District Councils should be entrusted with the same powers as other District Councils in the appointment of Gas Examiners.

89. We therefore recommend that Rural District Councils should have the same powers with regard to the appointment of Gas Examiners as are possessed by Borough and Urban District Councils under the Gas Regulation Act, 1920.

* Board of Trade (Honey), Q. 4659 (II, 310).

† County Councils Association (Dent and Holland), **M. 152** (XIII, 2369).

‡ County Councils Association (Dent and Holland), Q. 37,997–38,001 (XIII, 2369).

§ Rural District Councils Association (Pindar), **M. 63** (X, 1883), Q. 30,315–21 (X, 1890).

Section IX.—Gas Meter Testing.

Evidence on behalf of the Board of Trade.

90. The Acts of Parliament relating to the testing of gas meters are the Sale of Gas Act, 1859, the amending Act of 1860, and the Gas Regulation Act, 1920. The position of the existing Local Authorities and their functions under these Acts were stated by the Board of Trade to be as follows* :—

> " The precise position of the Local Authorities under these Acts is very difficult to define, and although the following statement appears to be the most probable, it is nevertheless not put forward as authoritative. (A few minor exceptional cases have been omitted.)
>
> > " (1) A County Council can at any time set up a gas meter testing station, appoint Inspectors and enforce the Act throughout the County, including the area of the Boroughs which did not adopt the Sale of Gas Act, 1859, before 13th April, 1861. As a matter of practice, such action has not, in general, been taken by County Councils, other than Counties of a City or of a Town.
> >
> > " (2) Any Borough which within the prescribed period (i.e., before 13th April, 1861) adopted the Sale of Gas Act, 1859, is entitled to set up a meter testing station, appoint Inspectors and take other action to carry out its provisions. The Borough Council could undertake these functions unless they were or became manufacturers or sellers of gas, in which case their powers passed to the Borough Justices.
> >
> > " (3) Any other Borough which failed to adopt the Act within the prescribed period cannot now constitute itself a Gas Meter Testing Authority or appoint Inspectors, but is merged with the County for the purposes of the 1859 Act.
> >
> > " (4) As regards Boroughs (other than County Boroughs) whose population in 1881 was less than 10,000, which adopted the Act, the power of the Borough Authorities to enforce it ceased under section 39 (1) (*d*) of the Local Government Act, 1888, and such Boroughs became merged with the County for the purposes of the Sale of Gas Act.
>
> " The appropriate Local Authorities supply the necessary standards (1859 Act, sections 3 and 7) and appoint and dismiss the Inspectors (1859 Act, section 4). Before they can act, Inspectors must secure a certificate from the Board of

* Board of Trade (Sears), **M. 17–8** (II, 297).

Trade (1920 Act, section 14). Their duties comprise merely the testing, stamping and certification of meters submitted to them as to accuracy and construction. In performing these duties they are guided by Regulations issued by the Board of Trade under section 13 of the 1920 Act. There is in fact no *inspection* of meters, other than this, but a meter which has had its seal broken for repair is required to be re-verified, and in case of a dispute between a gas undertaking and a consumer a meter may at any time be submitted to an Inspector for certification."

91. It was stated in the earlier evidence (1923) that there had been inquiries from Borough Councils wishing to provide for gas meter inspection, but unable to do so. Mention was made of Bournemouth and Darlington as Boroughs which did not exist in 1860, and which, although they are now large County Boroughs, cannot set up a gas meter testing station because there was no Borough Council to adopt the Sale of Gas Act, 1859, before the 13th April, 1861. It was suggested that early revision of the Acts was called for in this connexion, as well as for other reasons; and that it was very desirable that provision should be made to enable any populous district of more than a certain size to obtain the services of an Inspector within its area.*

92. In the later evidence we were informed that in the case of Bournemouth an agreement had been arrived at whereby the Southampton County Council should adopt the Sale of Gas Act, appoint the Inspector, and equip and maintain the office, but should be indemnified by the County Borough Council, who would receive the fees taken. We were also informed of a proposal of a County Council to delegate to a Town Council their power to adopt the Act; but the Board of Trade were inclined to the view that the power to adopt exists only in respect of the whole area of the County, and that the proposed delegation of the power in respect of a limited area might be *ultra vires*.†

93. County Councils are the only Authorities who may now adopt the Sale of Gas Act; but the Board of Trade suggested that, apart from the cases where the gasworks are a municipal undertaking, there is no essential reason why any Municipal Council should not be empowered to appoint an Inspector of gas meters, if they are prepared to maintain an office, and the fees paid would in general pay for the cost of the work done. They, however, took the view that as every office would draw meters from a fairly wide area a uniform system in which all appointments were made by County Councils would be preferable.‡

* Board of Trade (Sears), **M. 23** (II, 298).
† Board of Trade (Trump), **M. 74** (VIII, 1581).
‡ Board of Trade (Trump), **M. 75–6** (VIII, 1581).

94. We were furnished by the Board of Trade* with a statement showing the Gas Meter Testing Authorities as they existed in 1926, from which it appeared that they were the Corporation of the City of London, the County Councils of London and Middlesex, the County Borough Councils in the case of 24 County Boroughs, and the City or Borough Justices in the case of 10 County Boroughs and one Non-County Borough. It will be observed that in the case of only one Non-County Borough is there a gas meter testing station, and in that case (Hereford) the Authority are the City Justices and not the Borough Council.

Conclusion and Recommendation.

95. There appear to us to be two respects in which the law needs amendment. It is obviously unsatisfactory that the position of Local Authorities should be in doubt; and when opportunity offers it would be advisable that the complications involved in the present statutory provisions should be removed by amending legislation. A more urgent requirement arises from the position of certain County Boroughs, the Councils of which have no power to set up a gas meter testing station if the Boroughs were created after 1860. This is an anomaly which should, in our view, be removed forthwith.

96. We therefore recommend that County Borough Councils who are not manufacturers or sellers of gas should have power to set up a gas meter testing station and appoint Inspectors, irrespective of the consideration whether the Sale of Gas Act, 1859, had been adopted by the Borough Council within the prescribed period.

Section X.—Reports to County Councils under the Allotments Acts.

97. The Authorities in an Administrative County responsible for the provision of allotments are the Borough and Urban District Councils, Parish Councils, and Parish Meetings (where there is no Parish Council), but not Rural District Councils. A County Council are required to ascertain the extent to which there is a demand for allotments in the several Urban Districts (including Boroughs) and rural parishes in the County, and to act in default of a District or Parish Council if necessary, recovering from the District or Parish Council the expense incurred. All the above-mentioned Authorities are required to send to the Ministry of Agriculture and Fisheries an annual report of their proceedings during the year.

Evidence on behalf of the Minister of Agriculture and Fisheries.

98. It was stated in the memorandum of evidence submitted on behalf of the Minister of Agriculture and Fisheries that " it

* Board of Trade (Trump), Appendix C (VIII, 1584).

cannot be said that County Councils generally have shown any activity in discharging their duties as the supervisory Authorities for their areas, either in the direction of systematically ascertaining the demand for allotments in the several Urban Districts and parishes or in the way of acting in default of the minor Authorities ".* It was explained in oral evidence that this statement was only intended to indicate that County Councils generally had not shown activity in ascertaining the demand for allotments.†

Evidence on behalf of the Local Authorities.

99. Exception was taken by the County Councils Association to the criticism of County Council administration made on behalf of the Minister of Agriculture and Fisheries, and it was pointed out that the District and Parish Councils are the primary Authorities for the provision of allotments. The Association proposed, however, that if the Commission were satisfied that some improvement in the present arrangements was called for, an obligation should be imposed upon District and Parish Councils to submit to the County Council in a prescribed form a brief annual report of their proceedings under the Allotments Acts. This, it was suggested, should be something more than the annual return of unsatisfied demand made by the primary Allotment Authorities to the Ministry of Agriculture and Fisheries, a copy of which it is the custom of the Ministry to supply to the County Council, as that return does not necessarily prove activity or the reverse on the part of the Parish and District Councils. If the County Council had before them reports from all the District and Parish Councils, they would be enabled to make a review of the allotment situation throughout the County with a view to bringing pressure to bear on the backward Authorities.‡

100. The Association of Municipal Corporations were of opinion that the annual reports already made to the Ministry of Agriculture and Fisheries were sufficiently full to enable the Ministry to determine whether the Authority are performing their duties satisfactorily, and that in Boroughs the Town Council are the Authority best fitted to determine whether the demand for allotments is being properly met.§

101. The Urban District Councils Association were also of opinion that the annual reports now made were sufficient, and deprecated any increase in the number of returns which Local

* Ministry of Agriculture and Fisheries (Floud), **M. 96** (IX, 1848).

† Ministry of Agriculture and Fisheries (Floud), Q. 29,745–7 (IX, 1848), Q. 29,750, Q. 29,753, Q. 29,763, Q. 29,766 (IX, 1849).

‡ County Councils Association (Dent, Hinchliffe, and Holland), **M. 18–20** (X, 1964), Q. 31,449 (X, 1965), Q. 31,499–513 (X, 1967).

§ Association of Municipal Corporations (Darlow), **M. 170–1** (XIII, 2379).

Authorities are required to make; but in oral evidence Mr. Postlethwaite suggested that a copy of the report sent to the Ministry might be sent at the same time to the County Council, or, as a better alternative, that the report should be made to the County Council instead of to the Ministry, and that the County Council should be responsible for summarizing the information contained in the reports and sending it on to the Ministry.*

102. No evidence on this question was submitted on behalf of the Rural District Councils Association.

Conclusion and Recommendation.

103. We think that there is room for improvement in the present arrangements, particularly with a view to securing that the County Council should be better informed of the demand for allotments, and of the extent to which the primary Allotments Authorities are meeting it. But we are not disposed to recommend that those Authorities should be required to send a report to the County Council, in addition to the report which they are now required to submit annually to the Ministry of Agriculture and Fisheries. It would, in our view, be advantageous if they sent their annual report to the County Council instead of to the Ministry. The County Council should then have the duty of summarizing the reports received, and presenting a comprehensive survey for the whole County to the Ministry of Agriculture and Fisheries.

104. We therefore recommend that, in substitution for the present arrangements, Borough and Urban District Councils, Parish Councils, and Parish Meetings (where there is no Parish Council) should be required to send annually to the County Council a report in a prescribed form; and that it should be the duty of the County Council, upon the information thus obtained, to make an annual report to the Ministry of Agriculture and Fisheries.

Section XI.—Relations between County Councils and Standing Joint Committees in regard to County Buildings and Finance.

A.—County Buildings.

Evidence on behalf of the Local Authorities.

105. The County Councils Association informed us that by virtue of the decision in *Ex parte* Somerset County Council [58 Law J. Rep. Q.B., 513], the following judicial interpretation

* Urban District Councils Association (Postlethwaite), **M. 202–3**, Q. 39,634–40 (XIV, 2489).

of the provisions of section 30 (3) of the Local Government Act, 1888, had been in force for the past 38 years* :—

> " As between the County Council on the one hand, and the Standing Joint Committee of Quarter Sessions and County Council on the other, the latter body has exclusive control of buildings and premises within the purview of section 30, sub-section (3), of the Local Government Act, 1888, for the accommodation of Quarter Sessions, or Justices out of Session, or for the use of the police or Clerks to Justices. All questions as to the maintenance, repair, alteration, or improvement of such buildings and premises are to be determined by the Standing Joint Committee. The County Council has no power to place its veto upon the requirements of the Standing Joint Committee made under section 30. It is the duty of the County Council to raise and pay such sums as the Standing Joint Committee shall in their discretion deem it necessary to expend in and about such buildings and premises."

106. It was represented on behalf of the County Councils Association that this relationship between the County Council and the Standing Joint Committee was anomalous and indefensible. In their view it involved a complete absence of County Council control over County Halls and similar buildings used, as at least the great majority of them are, partly for the purposes of police and the administration of justice. Sir Edward Holland submitted that, as the County Council were the predominant partner in the use of the County Hall and had to find the money for its upkeep from the County ratepayers, it was only right that " they should have control in their own house."†

107. The Association accordingly suggested that the Standing Joint Committee should be deprived, in favour of the County Council, of their powers and duties relative to such County buildings and their staffs as were not used and employed exclusively for the purposes of the police and the administration of justice.‡ A draft Bill was submitted by the Association to indicate with some degree of particularity the provisions which they considered to be desirable for the purpose of giving effect to the foregoing proposals.§

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* County Councils Association (Dent, Hinchliffe, and Holland), **M. 112** (X, 2029).

† County Councils Association (Dent, Hinchliffe, and Holland), **M. 113** (X, 2029), Q. 32,761–2, Q. 32,770, Q. 32,772 (X, 2029–30).

‡ County Councils Association (Dent, Hinchliffe, and Holland), **M. 114** X, 2029), Q. 32,796–9 (X, 2030–1).

§ County Councils Association (Dent, Hinchliffe, and Holland), **M. 115** X, 2029), Appendix CIX, Statement F (X, 2056).

108. The Society of Chairmen and Deputy Chairmen of Quarter Sessions in England and Wales informed us by letter that in the opinion of that Society it was undesirable that any change in the existing arrangements should be made.

109. The views of the County Councils Association were supported by the Association of Municipal Corporations,* but no evidence on this subject was submitted by the Urban District Councils Association or the Rural District Councils Association.

Evidence on behalf of the Home Office.

110. The Home Office were of opinion that the " provision of accommodation for the Quarter Sessions or Justices out of Session or the use by them or the police, or the said Clerks (i.e., the Clerk of the Peace and the Clerks to the Justices) of any buildings, rooms or premises " should remain a matter within the exclusive jurisdiction of the Standing Joint Committee, and they considered it important that the position should not be disturbed. This view applied equally whether the accommodation was entirely separate from Shire Hall buildings or was in those buildings. In those places where the same room was by agreement used both for Quarter Sessions or police purposes and for County Council purposes, the Home Office saw no reason why such agreement should not continue in the future, so long as the room could conveniently be so used and provided adequate accommodation. If it were the existing law (which the Home Office doubted) that in buildings used for both the above mentioned purposes, the parts used for County Council purposes solely, as well as the parts used for Quarter Sessions or police purposes, were under the sole control of the Standing Joint Committee, the Home Office saw no reason why the parts used for County Council purposes only should continue to remain under the control of the Standing Joint Committee.†

Conclusion and Recommendation.

111. We observe that there is some doubt as to the precise effect of the law in regard to the control of buildings used partly for County Council purposes and partly for purposes of Quarter Sessions or police. But the interpretation accepted by the County Councils and by Quarter Sessions appears to have the result that in a County building part of which is used for purposes of Quarter Sessions or police, the County Council have no control even over such part as may be used exclusively for County Council purposes. On administrative and financial grounds this position appears to us to be undesirable; and we have not been able to accept the arguments advanced for the continuance of the existing arrangements.

* Association of Municipal Corporations (Darlow), **M. 145** (XIII, 2377).
† Home Office, Appendix CXIX, **M. 170–1** (XIV, 2545).

112. We therefore recommend that the County Council should have control over so much of the County buildings as is not used exclusively for the purposes of police or the administration of justice; but in the case of any buildings used partly for those purposes and partly for County Council purposes, the Standing Joint Committee should have the right of user of such parts as they have hitherto used.

B.—Finance.

Evidence on behalf of the Local Authorities.

113. It was further represented on behalf of the County Councils Association that the relationship between the County Council and the Standing Joint Committee, as indicated in paragraph 105 above, was also anomalous and indefensible as it failed to provide the County Council, who were wholly responsible for whatever commitments the Standing Joint Committee might incur, with any adequate means of ascertaining what sums they were likely to be called upon to meet.*

114. It was admitted that in most Counties arrangements were made whereby figures were produced beforehand, and in practice difficulties were avoided; but it was suggested that the Standing Joint Committee should be required to furnish the County Council, for the purpose of information, with an estimate of their expenditure at the commencement of each financial year and with any supplementary estimates.†

115. It was pointed out that neither the Finance Committee of the County Council nor the County Council themselves had any power to alter the budget of the Standing Joint Committee, and it was mentioned that when the matter was discussed by the Association some years ago some members were inclined to take the view that the Standing Joint Committee should be required to submit estimates for approval, and not merely for information. By a substantial majority, however, the view that Authorities responsible for the maintenance of law and order should not be fettered in the manner suggested was accepted. The Association were only asking for information beforehand, and not for any power for the County Council to criticize, reduce, or alter the estimates in any way.‡

116. The Society of Chairmen and Deputy Chairmen of Quarter Sessions in England and Wales and the Association of

* County Councils Association (Dent, Hinchliffe, and Holland), **M. 113** (X, 2029).

† County Councils Association (Dent, Hinchliffe and Holland), Q. 32,779, Q. 32,782, Q. 32,793 (X, 2030), **M. 114** (X, 2029).

‡ County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,779–82, Q. 32,791 (X, 2030), **M. 116** (X, 2029).

Municipal Corporations* agreed with the proposal of the County Councils Association.

Evidence on behalf of the Home Office.

117. The Home Office also agreed with the proposal of the County Councils Association.†

Conclusion and Recommendation.

118. There appears to be general agreement that the County Council should be entitled as a matter of right to be furnished before the beginning of each financial year with information regarding the commitments which the Standing Joint Committee anticipate incurring and with any supplementary estimates that may be involved.

It is, in our opinion, clearly desirable that the County Council's right to this information should be established, in view of the fact that they are responsible for finding the money necessary to meet the expenditure.

119. We therefore recommend that the Standing Joint Committee should be required to furnish the County Council, for the purposes of information, with an estimate of their expenditure before the commencement of each financial year and with any supplementary estimates.

Chapter II.—Other Questions affecting Powers and Duties of Local Authorities.

Section I.—Co-operation between Local Authorities.

120. A considerable part of our inquiry has been devoted to the consideration of the distribution of functions between Local Authorities. Many of the issues involved are controversial, and witnesses on behalf of Local Authorities of different types took divergent views thereon which they argued before us with vigour; but the prominence thus given to differences of opinion should not obscure the extent to which Local Authorities can and do co-operate. In our view, there is room for still further co-operation, and we think that much of the evidence given before us points to the possibility of developments in this direction.

* Association of Municipal Corporations (Darlow), **M. 145** (XIII, 2377).
† Home Office, Appendix CXIX, **M. 172** (XIV, 2545).

121. In paragraphs 239 to 310 of our First Report we set out the principal statutory provisions relating to the exercise of functions by Local Authorities acting jointly. The advantages of joint action deserve special consideration when viewed in the light of the observations contained in our Second Report upon the variations of size and financial capacity of Local Authorities (paragraphs 17 to 43). Many Authorities are unable to carry out all the functions assigned to them owing to the narrowness of their financial resources, which not only limits their borrowing powers and their income, but also in many cases prevents their employing efficient officers; and although, owing to the operation of the Local Government Act, 1929, the number of Authorities whose financial resources are unduly limited may be considerably reduced, there will no doubt be cases where Local Authorities can best perform some of their functions in co-operation with other Authorities. While it may be undesirable to transfer responsibility for the provision of some services to other Authorities, it is not in every case essential that the Local Authorities on whom the powers are conferred by statute should themselves undertake the actual operation of those powers. This is particularly the case where it is necessary to provide institutions, such as schools or hospitals, which can in many cases be most efficiently and economically provided on a comparatively large scale.

122. It is a well established practice for Education Authorities to arrange that children should attend schools provided by other Authorities where it is convenient, owing to the position of the homes of such children, that they should do so, the expenses being the subject of adjustment between the respective Authorities. In connexion with higher education we have been impressed by the evidence given by Mr. Spurley Hey, the Director of Education for Manchester, as to the number of students sent by neighbouring Authorities to the institutions in that City which supply higher education, the expenses being the subject of adjustment.*

123. This example suggests the part which County Boroughs and other large centres of population (Non-County Boroughs or Urban Districts) can in many cases play in such an arrangement as we have indicated. They are often the centres of trade and traffic, and sometimes market towns; and they and the areas immediately surrounding them, though perhaps independent for certain local government purposes, may be economically inter-dependent, so that co-operation is an obvious expedient which ought to be easy of achievement. In many cases the large urban centres are in a favourable position for serving a

* Association of Municipal Corporations (Spurley Hey), **M. 26–7** (VII, 1393), **M. 34–6** (VII, 1394).

considerable area, and the smaller Authorities might well discharge the obligations imposed upon them to provide institutional services by entering into arrangements with the Authorities of neighbouring County Boroughs or other large centres of population.

124. Apart, however, from the provision of institutional services, co-operation between Local Authorities may be of value in other directions. For example, in the case of at least three County Councils whose representatives gave evidence before us, we were informed that the County Council were in the habit of undertaking systematic inspections of County Districts and of making suggestions for improvements in the sanitary services; and one of the witnesses remarked "we always find that the Sanitary Authorities are only too anxious to do anything that is reasonable."* In addition, evidence was given of harmonious co-operation between a County Council and County District Councils in regard to an outbreak of smallpox, bacterial examinations and other matters.† It appears to us that the larger Authority, who have at their command highly-skilled officers, may well be of great assistance in circumstances like these to the smaller Authorities.

125. The nature and extent of co-operation naturally varies according to the needs of different Authorities, and we make no specific recommendation thereon. But we have thought it right to draw attention to this important element in local government, because in our view tactful and harmonious co-operation between Authorities who are in a position to assist one another would go a long way to facilitate and improve the provision of certain services and to reduce the difficulties often experienced by Local Authorities with limited resources.

Section II.—Water Supplies: Regional Advisory Committees.

Evidence on behalf of the Minister of Health.

126. In the opinion of the Minister of Health co-operation between Local Authorities is of the utmost importance, and is very urgently needed, in regard to the question of water supplies.

127. Our attention was called by the Minister to the following passage in the Annual Report of the Department for 1923-24‡ :—

> "In considering generally the broad lines of policy in connexion with domestic water supplies three stages appear—the local, the regional, and the national.

* County Councils Association (Vibart Dixon), Q. 9342 (III, 594); (Taylor), Q. 9955 (III, 619); (Joy), Q. 17,497 (V, 1079).

† County Councils Association (Taylor), Q. 9955 (III, 619).

‡ Ministry of Health (Robinson), M. 382 (IX, 1793).

" The local stage is already filled by the several Local Authorities or Joint Water Boards, with definite duties under the Public Health Acts or under special statutes, and by the water companies. The national stage is filled by the Ministry of Health, with the help of the Advisory Committee on Water.* The regional stage, however, remains unoccupied.

" To fill this gap it seems necessary to obtain regional representative Committees working in conjunction with the Department and the Advisory Committee on Water. By this means the adequate consideration of local problems in wider aspects seems likely to be secured, while full use is made of the experience and ability of local representatives and of local officials.

" All the Local Authorities within a limited area with close common interests as regards water supplies should usually be included in the regional group. Exact boundaries would vary with local circumstances. In some cases it might be desirable to include the Local Authorities over a large area, while in other cases only those in a narrow area could usually collaborate. Large as well as small Authorities ought, however, to be brought into co-operation."

128. In the Annual Report for 1925-26, the need for Regional Advisory Committees was again mentioned, and the object of the establishment of such Committees was stated as follows† :—

" The object is, of course, to secure collaboration between neighbouring Authorities having interests in common either in the source or in the supply of water. Clearly the position in such cases ought to be examined not piecemeal, but on broad lines and on a common basis with a view to drawing up a comprehensive programme. Such joint investigation and joint planning are most readily secured by the appointment of a Committee, representative of the Water Authorities, large and small, within a reasonably extensive area. Local convenience and physical circumstances would naturally determine the limits of the area which could usefully be brought within the ambit of a Committee's operations.

" It is not suggested that Regional Committees should have executive powers, beyond such powers as may be expressly delegated to them, or that joint investigation and joint planning should diminish the responsibility of the bodies represented. In short, the primary function of a

* The Standing Advisory Committee on Water was appointed by the Minister of Health in December, 1922, to confer with representatives of the Ministry of Health on questions relating to water supplies.

† Ministry of Health (Robinson), **M. 383** (IX, 1794).

Committee should be to examine and to advise. The ultimate decision as to the precise shape of any common action would rest with the Water Authorities themselves."

129. We were informed that up to the present time two Regional Advisory Committees have been set up, the first for South-West Lancashire, where many districts either now require or will shortly require water from a source or sources outside the area, and the second for the Sherwood area of Nottinghamshire, where it is necessary to consider the proper allocation of the underground water obtainable from the Bunter sandstone.*

130. In oral evidence, Sir Arthur Robinson mentioned the need for some practical means of securing the setting up of Regional Advisory Committees over the whole of the country, but explained that the difficulties of getting the various interested bodies together were considerable. The Ministry were, however, taking every possible step to encourage Local Authorities and to develop opinion in favour of the scheme, and although only two Committees had actually been set up, various other proposals were under consideration.† He agreed that in certain cases it might be possible for the County Council to take the initiative in calling together a preliminary conference.‡

Evidence on behalf of the Local Authorities.

131. The County Councils Association brought to our notice a Report by a Special Committee of the Association on the question of water supplies, in which it was stated that the Council of the Association were much impressed with the information which they had received from the Ministry of Health as to the establishment of Regional Advisory Committees in Nottinghamshire and South-West Lancashire. They were of opinion that these Committees had already done useful work, and that an extension of the scheme would produce equally useful results in other parts of the country. They therefore desired to " urge the Ministry of Health to take, at the earliest opportunity, such steps as they may consider necessary to secure the establishment of Advisory Regional Water Committees in those parts of the country which are not now provided therewith."§

132. While such Committees would be advisory in the first instance, the Association expressed the view that it might be necessary at some future time to invest either these Committees

* Ministry of Health (Robinson), Appendix CIII, Statement J (IX, 1822).
† Ministry of Health (Robinson), Q. 40,271–81 (XIV, 2531).
‡ Ministry of Health (Robinson), Q. 40,285–8 (XIV, 2531).
§ County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,352–6 (X, 2009), Appendix CIX, Statement C, paragraphs 6–7 (X, 2052).

or some other bodies operating over large areas with compulsory powers to allocate resources and carry out schemes.*

133. The Association of Municipal Corporations agreed with the general statements made in the booklet on " Regional Water Committees " issued by the Ministry of Health that the more readily accessible sources of water supply have, speaking generally, been appropriated, and that the consumption of water is growing and is likely to continue to grow, so that if the remaining sources are to be made available at the lowest cost, and expensive conflicts avoided, more systematic foresight is required.† The Association were, therefore, in favour of the establishment of Regional Advisory Committees, because, as Mr. Jarratt said " We feel it cannot be left to, say a couple of big Authorities in the future to thresh out, as between themselves, the allocation to them of a water supply without conferring with those other Authorities in the neighbourhood either of their districts or of the water supply or along the line of supply. Some machinery of this kind might help to prepare the way for that allocation."‡

134. The Association suggested, however, that in the first instance these Committees should be constituted only for a limited period, so that they could be discontinued if they did not function satisfactorily. They desired also to emphasize the advisory character of the Committees, although it was realized that " it may be necessary as a sequel . . . to set up some Joint Board or Authority to execute a decision or opinion which the Advisory Committee have arrived at."§ The Association's general concurrence was subject to the following reservations‖ :—

> " (1) That the greatly preferable method of supplying a regional area is by one large Water Authority undertaking the obligation to supply other Authorities which have a claim to share in such supply;
>
> " (2) That no individual municipality or water undertaker is to be deprived of its perfect freedom to join or not as it may think fit in establishing any Regional Water Committees;
>
> " (3) That Local Authorities not being water undertakers should be represented on such Committees; and
>
> " (4) That before any Regional Water Committee is appointed the Association should be given an opportunity of considering and making observations upon a model form of constitution of such Committees."

* County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,357–62 (X, 2009–10), Q. 32,365–7 (X, 2010).

† Association of Municipal Corporations (Jarratt), **M. 129** (XIV, 2473).

‡ Association of Municipal Corporations (Jarratt), **M. 134** (XIV, 2473), Q. 39,374 (XIV, 2474).

§ Association of Municipal Corporations (Jarratt), **M. 136** (XIV, 2473), Q. 39,375–9 (XIV, 2474).

‖ Association of Municipal Corporations (Jarratt), **M. 138** (XIV, 2473–4).

135. The Urban District Councils Association entirely agreed with the views put before us on behalf of the Minister of Health as to the desirability of setting up Regional Advisory Committees. Mr. Postlethwaite suggested that the County Council, in conjunction with the Councils of the County Boroughs in the area, might initiate any scheme for the appointment of a Committee.*

Conclusion.

136. The importance of reviewing over large areas and in a comprehensive manner the problem of water supply is, we think, so clearly recognized that the matter scarcely calls for a recommendation from us. We have noted with satisfaction the progress already made under the guidance of the Standing Advisory Committee appointed by the Minister of Health, and we commend to the attention of all Local Authorities the desirability of taking active steps to secure the creation of Regional Advisory Committees throughout the country generally.

To stimulate the formation of such Committees it is for consideration whether Joint Conferences in the geographical Counties might not with advantage be convened by the County Councils.

Section III.—Establishment of Insurance Funds by Local Authorities.

Evidence on behalf of the Local Authorities.

137. The County Councils Association explained that considerable sums were spent every year by Local Authorities upon insurance premiums. Many Authorities, including the Middlesex and Surrey County Councils, had been authorized by local Acts to become their own insurers in varying degrees; and it was suggested by the Association that County Authorities generally should be empowered to establish, if they so desired, their own insurance funds in regard to fire, employers' liability, and fidelity guarantee.†

138. The Association of Municipal Corporations referred to the powers obtained by many Authorities by local Acts to establish insurance funds, and were of opinion that general powers for this purpose should now be given to Local Authorities. Such powers should cover not only fire risks but other risks as well, so as to spread the burden and prevent the fund from being depleted by one very big loss on account of one risk. With regard to the position of small Authorities, it was suggested that they would need to exercise discretion whether they took advantage of any

* Urban District Councils Association (Postlethwaite), **M. 191**, Q. 39,617–26 (XIV, 2488).

† County Councils Association (Dent, Hinchliffe, and Holland), **M. 121** (X, 2033).

general powers so given, or whether they continued to carry on the present practice of insuring through companies.*

139. The Urban District Councils Association pointed out that the resources of the majority of Urban District Councils throughout the country were not sufficient to permit of their undertaking the responsibility of maintaining an insurance fund of the character suggested by the County Councils Association; but, on the other hand, there were many Urban Districts the Councils of which might with proper safeguards be entrusted with powers in regard to the establishment of such funds. The Association were therefore of opinion that if legislation were proposed, provision should be made for powers to be conferred on Urban District Councils, either alone or jointly with other Authorities, the exercise of the powers in any particular case being made subject to the consent of the Minister of Health.†

140. No evidence on this subject was submitted on behalf of the Rural District Councils Association.

Evidence on behalf of the Minister of Health.

141. It was suggested, on behalf of the Minister of Health, that as Parliament had by means of local Acts granted power to a large number of individual Local Authorities to establish insurance funds, the time had now arrived when the whole question should be reviewed to see whether it was desirable that such powers should be given to Local Authorities generally. The Minister was, therefore, contemplating setting up some form of inquiry into the matter to see, assuming that there was a case for general legislation, what form that provision ought to take, what the safeguards should be, what arrangements should be made for the combination of small Authorities, and so forth. The whole matter required a good deal of further investigation, and in the present circumstances the Minister was not prepared to express a definite opinion upon the subject.‡

Conclusion and Recommendation.

142. There appears to be a general desire among Local Authorities that the power to establish insurance funds which has been given to certain large Authorities by local Acts should be extended to others by a general Act. Such a course would accord with the usual development of local government law. The question is, however, one of particular difficulty and intricacy, and many actuarial and other technical questions are

* Association of Municipal Corporations (Jarratt), **M. 125–6**, Q. 39,343–8, Q. 39,362–4 (XIV, 2472).

† Urban District Councils Association (Postlethwaite), **M. 189–90**, Q. 39,601–8 (XIV, 2487).

‡ Ministry of Health (Robinson), Q. 40,246–7 (XIV, 2530).

involved. No details were put before us by the witnesses on behalf of Local Authorities as to the extent to which Authorities who have already been authorized by Parliament to establish insurance funds had exercised their powers and what their experience had been. The desirability of combination of Local Authorities for mutual insurance rather than of individual action, and the position of the smaller Authorities, are also aspects of the question needing detailed consideration before any decision can properly be reached.

143. On the information before us we do not feel that we can go further than recommend that the proposal to arrange a special inquiry should be adopted, as we consider that all aspects of the problem should be fully investigated before any general legislation is proposed.

Section IV.—Highway Improvements.

144. We have referred to the primary distribution and delegation of responsibility for maintenance of roads in paragraphs 157 to 160 of our Second Report. In the present Section we discuss some minor difficulties which have been brought to our notice in connexion with highway administration.

A.—Prescription of Building and Improvement Lines.

Evidence on behalf of the Local Authorities.

145. The County Councils Association referred to the powers with regard to the prescription of building lines in County areas, first conferred on County Councils by section 5 of the Roads Improvement Act, 1925, and those with regard to the prescription of improvement lines, first conferred on them by sections 33 and 34 of the Public Health Act, 1925. The Association pointed out that nothing less than a complete survey of all the County roads was necessary in order to ensure the full protection contemplated by the Acts. In extended rural areas, where building operations are often occasional and isolated, the expenses of such a survey would be extremely high in proportion to the immediate necessities of the case; and the Association therefore suggested that persons desirous of erecting buildings within a prescribed distance from the centre line of any road should be statutorily required to give notice of their intentions to the Highway Authority concerned. The Authority would then be in a position to determine whether or not to prescribe a building or improvement line, and it would thus be possible to deal economically with individual cases as and when they arose, instead of having to make, as at present,

elaborate and expensive preparations to meet the mere possibility of future necessity.*

146. In oral evidence, Mr. Dent pointed out that building was springing up so rapidly and so sporadically all over the country that road improvements might become very difficult and very expensive, and suggested that some interim power was needed to deal with the situation pending the prescription of lines throughout the County area.† We discussed the situation that might arise in areas where building byelaws were in force, if the prospective builder were required to notify the County Council in addition to submitting his plans to the Local Authority for approval under the building byelaws. Mr. Dent agreed that it might be sufficient if the Authority concerned with the building byelaws co-operated with the County Council by informing them if the builder proposed to come beyond a certain line, and that such a proposal would obviate the submission of plans to two Authorities, as the County Council would not be concerned with any question of compliance with building byelaws.‡

147. Mr. Raynes, on behalf of the Association of Municipal Corporations, suggested that the extent of the set-back of a road passing through a town was a purely local matter which should be in the control of the Urban Authority, if overlapping, duplication and confusion were to be avoided. He drew attention, however, to the cost of these improvements; and, in view of the contention of the Association that the cost involved with regard to prescribed lines on main roads should be a charge upon the general County rate, he agreed that the proposals of an Urban Authority should be submitted to the County Council, and that, failing an agreement, the question of the allocation of the cost, and the cost only, should be left to the Minister of Transport to decide.§ This point was also referred to by Mr. Darlow in his evidence on behalf of the Association.¶

148. Attention was called by the Rural District Councils Association to the position which had arisen in some Counties where informal intimation had been given to Local Authorities that the County Council intended to prescribe building or improvement lines along main roads, but the actual Orders had not been issued. Until the lines were prescribed, the future intention of the County Council did not give the District Council any authority to disapprove the erection of a building beyond a line

* County Councils Association (Dent, Hinchliffe, and Holland), **M. 63–5** (X, 1976).

† County Councils Association (Dent, Hinchliffe, and Holland), Q. 31,908–16 (X, 1986–7).

‡ County Councils Association (Dent, Hinchliffe, and Holland), Q. 31,903–7 (X, 1896), Q. 31,910–1 (X, 1986), Q. 31,918–9 (X, 1987).

§ Association of Municipal Corporations (Raynes), **M. 60–3**, Q. 34,333–7 (XI, 2131–2).

¶ Association of Municipal Corporations (Darlow), **M. 177** (XIII, 2379).

which might at some future date be prescribed, and all that a Rural District Council could do, before approving a plan for a new building, was to require the builder to confer with the County Surveyor.*

Conclusion and Recommendation.

149. We are satisfied that County Councils are confronted with a substantial difficulty in exercising their powers to prescribe building and improvement lines on roads under their control; and, pending the complete survey which appears to be involved, we think that there should be some interim arrangement whereby a County Council may receive notice of intended building. It appears to us that this could be effected by requiring that in areas where building byelaws are in force the Local Authority with whom plans are deposited should notify the County Council in any case where the proposed building is on a County road; and we do not think that such a procedure need involve any overlapping or confusion. In areas where no building byelaws are in force, and plans are not deposited with the Local Authority, the intending builder should be required to notify the Local Authority, who should transmit the information to the County Council.

150. We therefore recommend that in order to ensure that a County Council should receive notification of any building proposed to be erected within a prescribed distance from the centre of any County road, the Local Authority with whom plans are deposited under building byelaws should be required to inform the County Council, and in areas where no such byelaws are in force the intending builder should be required to notify the Local Authority, who should transmit the information to the County Council.

B.—"Give and Take" Frontage Lines.

Evidence on behalf of the Local Authorities.

151. The Association of Municipal Corporations suggested that it would be of great advantage if a Local Authority, in settling an improvement line, had power to agree with the frontagers a "give and take" line which would allow of an exchange of land, small portions of the highway being conveyed to the frontagers in exchange or part exchange for land given up for the improvement of the highway. Some Authorities, it was pointed out, had already obtained power to do this by means of private Acts.† In further examination in oral evidence, Mr. Darlow said "you

* Rural District Councils Association (Everest), **M. 24–5** (XIV, 2480).
† Association of Municipal Corporations (Darlow), **M. 175** (XIII, 2379).

very often find, especially in an old town, that there are promontories extending on to the side walk—quite small ones—and then perhaps an inlet of a few inches, or it might be a foot or a yard, due to irregularity in the line of buildings in days gone by"; but when a building was demolished for re-erection, it would often be convenient to rectify these irregularities by means of an agreed "give and take" line, which under the existing law was not practicable. It was therefore proposed that the Highway Authority concerned with the particular road, whether they were the County Council or the Urban Authority, should be empowered to agree such a frontage line.*

152. The above suggestion was supported by the Urban District Councils Association.†

Conclusion and Recommendation.

153. The difficulty underlying this question is, of course, the alienation of part of the highway. The public highway is carefully safeguarded in law against encroachment or diversion. But we think that Local Authorities should be empowered under certain conditions to effect such an exchange of land as may be necessary for the improvement of frontage lines. Such power, however, should be subject to reservations: (*a*) to permit a given number of inhabitants to appeal to the Justices against a proposed alienation of part of the highway, (*b*) to safeguard the position of bodies having mains or pipes under the highway, and (*c*) to facilitate joint action if necessary where the Highway Authority are not the Local Authority of the area. We understand that there are recent precedents in local legislation in which some of these considerations have been met.

154. We recommend that an amendment of the law is desirable on the lines indicated above in order to facilitate agreement with frontagers on a "give and take" line when improvements are undertaken by the Local or Highway Authority.

C.—Roads forming the Boundary of a Local Authority's Area.

Evidence on behalf of the Local Authorities.

155. The Association of Municipal Corporations drew our attention to an anomaly arising from the following circumstances. It sometimes happens that a highway forms the boundary of an Authority's area while lying wholly within the boundary. By section 33 of the Public Health Act, 1925, the Authority in such

* Association of Municipal Corporations (Darlow), Q. 38,073–98 (XIII, 2380).

† Urban District Councils Association (Postlethwaite), M. 206 (XIV, 2490).

a case are apparently enabled to prescribe an improvement line which would provide for the inclusion in the highway of a strip of land outside the boundary. But section 145 of the Public Health Act, 1875, provides that the ratepayers in a Borough shall not be liable to the payment of rate in respect of making or repairing highways without the District. We were informed that the Highways and Bridges Act, 1891, offers a possible solution, but that procedure is not always available, having regard to the circumstances.*

156. The Urban District Councils Association suggested that provision should be made to deal with streets on and partly outside the boundary of an Urban District, not only as regards the prescription of building lines, but also as regards the making up of new streets (which happen to be in such a position) under section 150 of the Public Health Act, 1875, or the Private Street Works Act, 1892. When a street is in two areas, provision of some kind should be made so that the two Authorities concerned can act conjointly in making up the street, with compulsory powers where the Authorities do not agree.†

Conclusion and Recommendation.

157. It appears to us that, when an opportunity for legislation occurs, it would be desirable to remove the difficulties arising in connexion with the making up or improvement of a road forming the boundary between the areas of two Local Authorities. This could, we think be effected by enabling the Authorities concerned to act jointly, provision being made for the determination of differences in the event of their being unable to agree. We would emphasize the fact that a road is a bad boundary as a rule between local government areas.

D.—Procedure for Compulsory Acquisition of Land.

Evidence on behalf of the Local Authorities.

158. Attention was called by the County Councils Association to the position with regard to the compulsory acquisition of land for highway purposes. Compulsory powers are given by the Development and Road Improvement Funds Act, 1909, and the Public Health Act, 1925, but the opinion generally held by County Surveyors was that the procedure under these Acts, which follows, with certain modifications, that laid down by the Lands Clauses Consolidation Act, 1845, was somewhat complicated and led to unnecessary delay in the execution of urgent works. The Association were not prepared to recommend any

* Association of Municipal Corporations (Darlow), **M. 176** (XIII, 2379).
† Urban District Councils Association (Postlethwaite) **M. 207**, Q. 39,652–6 (XIV, 2490).

specific remedy, but mention was made of the precedent established by the Unemployment (Relief Works) Act, 1920.*

159. This question was also raised by the Urban District Councils Association, who stated that at the present time Highway Authorities who wished to acquire land compulsorily for the purposes of a highway improvement could only do so by way of application for a Provisional Order under section 176 of the Public Health Act, 1875, unless they were able to obtain (*a*) a grant from the Ministry of Transport, or (*b*) a certificate of the Ministry of Labour that, having regard to the amount of unemployment existing in an area, it was desirable that the provisions of the Unemployment (Relief Works) Act, 1920 (a temporary statute which has been continued in force from year to year), should be put in force with a view to the employment of unemployed persons. In either of these cases it was possible to make application at any time for an Order authorizing the compulsory acquisition of land required for a highway improvement; but unless these conditions could be established, it was necessary to proceed under section 176 of the Public Health Act, 1875, and to apply for a Provisional Order of the Ministry of Health in September, October or November of any year, the powers being obtained in normal cases in the following summer. The Association, therefore, urged that the machinery set up by the Development and Road Improvement Funds Act, 1909, and the Unemployment (Relief Works) Act, 1920, should be made available in all cases in which land was required for a highway improvement so as to permit of Orders being obtained at any time.†

Conclusions and Recommendations.

160. The evidence both in statement of facts and in proposals for remedies does not appear to differentiate with adequate precision between the several procedures mentioned.

In regard to the Development and Road Improvement Funds Act, 1909, and the Public Health Act, 1925, to which reference was made by the County Councils Association, it is to be observed that powers for compulsory acquisition of land for highway purposes under the former (section 11) are available only in cases where a grant is obtained from the Minister of Transport, and that in the latter (section 33 (8)) the powers relate only to the purchase of land not occupied by buildings between the improvement line and the boundary of the street. Moreover, no Order of a Government Department is required under the latter provision.

161. Again, in mentioning, as a precedent for remedying the difficulties, the Unemployment (Relief Works) Act, 1920, the

* County Councils Association (Dent, Hinchliffe, and Holland), **M. 60** (X, 1976), Q. 31,884–9 (X, 1985).

† Urban District Councils Association (Postlethwaite), **M. 204–5** (XIV, 2489–90).

Association did not say whether they had section 1 or section 2 in mind. It will be convenient to explain here the provisions of those two sections :—

(*a*) Section 1 provides that when the Minister of Labour certifies that, having regard to the amount of unemployment in the area, it is desirable that the section should be put into operation, the provisions of the Housing and Town Planning Acts, 1909 and 1919 (now consolidated in the Housing Act, 1925), which relate to the procedure for the compulsory acquisition of land for the provision of houses for the working classes, shall apply to the compulsory acquisition of land for works of public utility, and to the entry on land so acquired.*

(*b*) Section 2 of the Unemployment (Relief Works) Act, 1920, provides that where the Minister of Labour certifies that immediate action is necessary, the Local Authority shall have power forthwith to enter upon and take possession of land required for the construction of an arterial road or for the improvement of any road with a view to the employment of unemployed persons.

162. The Urban District Councils Association, in reciting the alternatives, available under certain conditions, to section 176 of the Public Health Act, 1875, omitted reference to section 33 of the Public Health Act, 1925. In their recommendation they urged that the procedure under the Development and Road Improvement Funds Act, 1909, *and* the Unemployment (Relief Works) Act, 1920, should be made generally available. The Association did not distinguish between section 1 and section 2 of the last named Act. Moreover, there are considerable differences between the two Acts, and it is not clear whether the Association intended that both procedures should be made available as alternatives.

163. So far as we can gather, the present provisions are open to objection on the following grounds :—

(*a*) Except in cases to which the special conditions of the Development and Road Improvement Funds Act, 1909, and the Unemployment (Relief Works) Act, 1920, or section 33 of the Public Health Act, 1925, apply, land for highway improvements can be acquired compulsorily only under section 176 of the Public Health Act, 1875. An Order under this

* The provisions of the Housing Act, 1925, in question empower the Local Authority to make an Order for compulsory acquisition, which must then be published and submitted to the Central Department for confirmation. If objections are made to the Order and not withdrawn, the Central Department must hold a local inquiry before confirming the Order. At any time after confirmation of the Order, notice to treat may be given, and then, not less than 14 days after service of a notice of intention to enter, entry on the land can be made under section 106 of the Housing Act, 1925.

Act requires confirmation by Parliament. This involves application to the Government Department in September, October or November of any year, but the powers are not obtained in normal cases until the following summer.

(*b*) Further, the procedure under section 176 of the Public Health Act, 1875, and under section 11 of the Development and Roads Improvement Funds Act, 1909, incorporates sections 84 to 88 of the Lands Clauses Consolidation Act, 1845, which impose such conditions as regards entry on the land as are liable to occasion undue delays after the Order for compulsory purchase has been confirmed.

164. We are of opinion that both these causes of delay should be removed. From the Acts quoted above it will be observed that there are already several precedents in legislation for a procedure whereby powers for the compulsory purchase of land may be obtained otherwise than by a Provisional Order requiring confirmation by Parliament. As regards entry, we are not prepared to recommend recourse to the drastic provisions in section 2 of the Unemployment (Relief Works) Act, 1920; but we think that the procedure involved in the Lands Clauses Consolidation Act, 1845, is too dilatory. On both points the provisions of the Housing Act, 1925, as to the compulsory acquisition of land (referred to in paragraph 161 (*a*) above) appear to us to meet the requirements of the case, and we recommend that these provisions should be made applicable to the purchase of land for the widening of existing highways.

Section V.—Meetings of Electors and Polls under the Borough Funds Acts.

165. Under the Borough Funds Acts, 1872 and 1903, the following steps are required to be taken by a Borough or Urban District Council before promoting a Bill in Parliament:—

(*a*) Ten days' notice must be advertised of a special meeting of the Council to consider the proposals, indicating the purposes thereof;

(*b*) At the special meeting the resolution to promote the Bill must be passed by an absolute majority of the whole number of the Council;

(*c*) The resolution must be advertised twice;

(*d*) A public meeting of electors must be held to pass a resolution consenting to the promotion of the Bill, and if the decision of the meeting is challenged, a poll must be taken of the whole of the electors, following generally the procedure for the election of Councillors;

(*e*) A further special meeting of the Council must be held at which a confirming resolution is passed by an absolute majority of the whole number.

166. Prior to the passing of the Borough Funds Act, 1903, a similar procedure was necessary before a Borough or Urban District Council could oppose a Bill in Parliament.

167. By the County Councils (Bills in Parliament) Act, 1903, County Councils were enabled to promote Bills in Parliament without obtaining the consent of the electors, but the other requirements of the Borough Funds Acts apply.

168. In our First Report (paragraphs 1204 to 1210) we recommended that Bills promoted for the constitution or extension of County Boroughs should be exempt from the requirements of the Borough Funds Acts which relate to the consent of the electors, and this recommendation was put into effect by the Local Government (County Boroughs and Adjustments) Act, 1926, section 3.

169. In our Second Report (paragraph 163) we recommended that Rural District Councils should have powers analogous to those possessed by other Local Authorities as regards the promotion of and the opposition to Bills in Parliament. When giving legislative effect to this recommendation in the Local Government Act, 1929, section 55, Parliament enacted that the provisions of the Borough Funds Acts relating to meetings of electors and polls should not apply to Rural District Councils.

170. From the above statement of the present law it will be seen that the requirements of the Borough Funds Acts relating to meetings of electors and polls no longer operate with regard to opposition to Bills by any class of Local Authority, nor to the promotion of Bills by County Borough Councils for the extension of a County Borough, by Non-County Borough Councils for the creation of the Borough as a County Borough, or by County Councils or Rural District Councils for any purpose. Bills promoted by County Borough or Non-County Borough Councils for any purpose other than the creation or extension of a County Borough, or by Urban District Councils for any purpose, are still, however, subject to those requirements.

171. Much of the evidence given before us on the subject of the requirements of the Borough Funds Acts had particular reference to the first part of our inquiry. It is, nevertheless, applicable to those requirements in relation to the promotion of Bills for purposes other than the creation or extension of County Boroughs, and is relevant to the suggestions, which we have to consider in this Section of our Report, for the repeal generally of the provisions relating to the consent of the electors.

Evidence on behalf of the Local Authorities.

172. It was represented to us by the Association of Municipal Corporations that " the requirement ' that a public meeting of electors will be held ' is an impossibility in any Borough in the country if it is contemplated (as the Act surely did contemplate)

that more than the veriest fraction of the electors are to be present . . . . In Manchester nearly 300,000 persons are entitled to attend a meeting, while the largest room in the Town Hall cannot hold more than 600 persons. The Albert Hall would certainly not accommodate a seventieth part of the Birmingham local government electorate, which amounts to a total of 374,671 persons . . . . In the case of the Birmingham Corporation Bill, 1924, not forty persons were present (in addition to the members of the Council) . . . . the proceedings were over in about three minutes, and indeed the whole matter was farcical."* Further, no means exist of checking the people who attend a town's meeting to ascertain whether they are qualified to be there or not, and instances are known to have occurred where meetings have been packed by interested cliques, possibly even by people from another town.†

173. In the event of a poll being demanded, costly arrangements have to be made to provide for the whole number of the electorate who have the right to vote, although in fact only a handful of people take the trouble to go to the poll. Sir David Brooks quoted several instances of the results and costs of polls in Birmingham and other towns, amongst which were :— Birmingham, in 1912, 6,122 persons, or 3.1 per cent., polled out of a total electorate of 173,904; Birmingham, in 1919, 3.03 per cent. of the electorate polled at a cost of £1,567, or 3s. per vote; Birmingham, in 1922, 7.14 per cent. of the electorate polled at a cost of £1,562, or 1s. 2½d. per vote; Manchester, in 1921, where the votes of under 17,000 electors out of a total of 279,171, at a cost of over £4,000, restored certain clauses which had been rejected by a handful of people at the public meeting.‡

174. Objection was taken by the Association only to the requirements of the Borough Funds Acts relating to meetings of electors and polls, and it was submitted that the other requirements of the Acts, set out in paragraph 165 above, secure full consideration and adequate publicity for any matter involving the promotion of a Bill in Parliament. The requirement of a public meeting of electors provided, in the view of the Association, for an appeal from an instructed to an uninstructed body, whose opinion could not possibly represent the wishes of the general body of ratepayers. Moreover, in the case of a Borough, one third of the Council are elected every year, so that the local government electors have an annual opportunity of expressing their views, and a question likely to result in the promotion of a

* Association of Municipal Corporations (Brooks), **M. 62–3** (VII, 1428), Q. 24,333–44 (VII, 1432–3), Q. 24,349–51 (VII, 1433).

† Association of Municipal Corporations (Brooks), **M. 62, M. 64** (VII, 1428), Q. 24,356–61 (VII, 1433), Q. 24,374–7 (VII, 1434), Q. 39,240 (XIV, 2461).

‡ Association of Municipal Corporations (Brooks), **M. 54–8** (VII, 1427–8), Q. 24,299–314 (VII, 1431–2), Appendix XCIV, paragraph **12** (VII, 1437).

Bill is almost certain to have been before the electors on at least one such occasion.*

175. Finally, the Association submitted that as Town Councils are elected by and represent the inhabitants of their towns, and are trusted by Parliament in other important matters, they could be safely trusted to promote the best interests of their towns when applying to Parliament for those further powers which their experience and knowledge of the circumstances showed to be necessary. The Association were, therefore, of opinion that no public advantage was to be attained by continuing the provisions of the Borough Funds Acts relating to meetings of the electors and polls, and that the Acts should be amended accordingly.†

176. The Urban District Councils Association agreed with the view of the Association of Municipal Corporations that neither a public meeting of the electors nor the poll consequent thereon necessarily represented the true opinion of the electors.‡ In further evidence after the passing of the Local Government Act, 1929, which gave Rural District Councils power to promote Bills in Parliament, but exempted them from the requirements as to meetings of electors and polls, Mr. Postlethwaite submitted that these requirements ought equally to be abolished for Urban Authorities. A Local Authority, having complied with the other requirements of the Borough Fund Acts, ought to be able to go to Parliament with a Bill, and persuade Parliament, if they can, to give them the powers sought. The decision would then be made by an instructed tribunal after hearing the whole case upon the evidence submitted to them, and the machinery of Parliament ought to be sufficient to safeguard the electors, without the necessity of the poll.§

Evidence on behalf of the Minister of Health.

177. Sir Aubrey Symonds, on behalf of the Minister of Health, also referred to the physical impossibility of holding a properly attended meeting of electors in any large town, and stated that in the view of the Minister there was not sufficient advantage in retaining the provisions of the Borough Funds Acts requiring the consent of the town's meeting and the subsequent poll. It was suggested, however, that there might be a certain

* Association of Municipal Corporations (Brooks), **M. 67** (VII, 1429), Q. 24,355–6 (VII, 1433), Q. 24,380–6 (VII, 1434–5), Appendix XCIV, paragraph **13** (VII, 1437–8).

† Association of Municipal Corporations (Brooks), **M. 68** (VII, 1429), Appendix XCIV, paragraphs **14–6** (VII, 1438), Q. 39,239 (XIV, 2461).

‡ Urban District Councils Association (Postlethwaite), **M. 27**, Q. 24,929–39 (VII, 1465).

§ Urban District Councils Association (Postlethwaite), **M. 227–8** (XIV, 2494–5), Q. 39,731–38, Q. 39,774–5 (XIV, 2496–7).

amount of difficulty in persuading Parliament to repeal those provisions, " which in the minds of a great many people are considered and supposed to be a safeguard."* But, as indicating the limited extent to which advantage had been taken of the safeguard by the electors, we were furnished by the Minister of Health with a statement showing the number of electors who voted at certain polls under the Borough Funds Acts during the period from 1920 to 1925.†

178. We were also referred to the Report‡ of the Select Committee on the Procedure Governing Bills which involve Charges, who called attention to the " inexplicable apathy " on the part of ratepayers, and recommended that in order " to arouse them to a livelier interest " the notices of a Bill prior to the meeting of electors under the Borough Funds Acts should contain a statement showing the financial effect of the passing of the Bill.§

179. Giving evidence after the passing of the Local Government Act, 1929, Sir Arthur Robinson expressed the view that the provisions of the Borough Funds Acts as regards meetings of electors and polls might be dispensed with, and all Local Authorities placed in the same position as the Local Government Act had accorded to Rural District Councils in this respect.‖

Evidence of Lord Donoughmore.

180. We had the advantage of hearing the views of Lord Donoughmore, who, as Chairman of Committees in the House of Lords since 1911, has had great experience in the matter of local legislation. Lord Donoughmore was of opinion that the Borough Funds Acts procedure was valuable as showing whether public opinion was behind the Authority promoting a Bill, thus assisting Parliament to get at local facts, and often saving Parliamentary time.¶ He did not attach much importance to the meeting of electors, and agreed that a properly attended town's meeting was impossible of achievement and might be packed by vested interests.** He did, however, attach importance to the poll; and the lack of interest in a poll, as shown in the statement submitted to us by Sir Aubrey Symonds, he considered valuable as suggesting that the promoting Authority had no big volume of public opinion behind them, a fact which ought to be

* Ministry of Health (Symonds), Q. 24,194–200 (VII, 1421–2).
† Ministry of Health (Symonds), Appendix XCIII (VII, 1426).
‡ H.C. 257, 1920.
§ Ministry of Health (Symonds), M. 5–9 (VII, 1419), Q. 24,168–9 (VII, 1420).
‖ Ministry of Health (Robinson), Q. 40,294–5 (XIV, 2531).
¶ Donoughmore, M. (1) (VII, 1457).
** Donoughmore, Q. 24,787 (VII, 1458), Q. 24,814–23 (VII, 1459), Q. 24,847–9 (VII, 1461).

brought to the notice of Parliament. It was appreciated, however, that a proposal for a Bill might be defeated on a small poll, and thus never come before Parliament at all.*

181. Lord Donoughmore, while agreeing that the other requirements of the Borough Funds Acts secured ample publicity for any proposal involving the promotion of a Bill,† was nevertheless of opinion that in the majority of cases a poll or some form of a referendum was necessary in order to secure the expression of the views of the electors.‡

Conclusions and Recommendations.

182. To prevent possible misunderstanding we would preface our conclusions by repeating that the question here at issue is not the abolition of the Borough Funds Acts, but only the repeal of so much of those Acts as relates to town's meetings and polls of electors.

183. The constitutional considerations are very evenly balanced. The value of the procedure in informing Parliament of the measure of public opinion supporting a Bill was clearly indicated by Lord Donoughmore. On the other hand, Local Authorities are popularly elected bodies representative of the ratepayers, and Parliament has entrusted to those Authorities many important responsibilities in the discharge of which they are not required to seek the specific concurrence of the general body of ratepayers.

184. The practical objections to the procedure involved in these provisions of the Borough Funds Acts are patent from the evidence. In the first place, a truly representative town's meeting is by its very size impossible to accommodate. A poll often involves an expenditure quite out of proportion to the votes cast. It is, moreover, open to doubt whether the issues involved in promoting a Bill are susceptible of this kind of referendum. We have had before us a voting paper issued in connexion with a poll on a Corporation Bill, the complexity of which conclusively illustrates this point.§ We have also been informed of cases in which a town's meeting passed all the proposals in a Bill except the vital provisions relating to the expenses, thereby stultifying their own decision.‖

185. In our view, the other requirements of the Borough Funds Act, 1872, make adequate provision for full consideration and publicity in regard to the promotion of a Bill in Parliament. The extent of this provision is admirably explained in the following

* Donoughmore, Q. 24,778 (VII, 1457), Q. 24,804 (VII, 1459).
† Donoughmore, Q. 24,863–73 (VII, 1461).
‡ Donoughmore, Q. 24,832–58 (VII, 1460–1).
§ Association of Municipal Corporations (Brooks), Appendix XCV (VII, 1438).
‖ Ministry of Health (Symonds), Q. 24,227 (VII, 1423).

extract from the memorandum furnished by the Association of Municipal Corporations* :—

> " It is fully recognized that an important matter like the promotion of a Bill in Parliament should not be decided upon without full consideration and adequate publicity, nor unless the body representing the inhabitants of the town are clearly in favour of it, but all these conditions are assured by the other provisions of the Act of 1872, to which no objection is taken. Under these provisions resolutions in favour of the promotion of the Bill must be passed at two separate special meetings of the Council, and in each case there must be an absolute majority of the whole of the members of the Council in favour of the resolutions. Moreover, in order that the public may be made fully aware of the intentions of their representatives, ten day's notice of the meetings and of the purpose thereof has to be advertised in the local press, and the resolution to promote the Bill has also to be published twice in the local press, these notices being in addition to these required by the Standing Orders of Parliament, under which full notice has to be advertised locally of the matters proposed to be dealt with by the Bill."

186. As explained in paragraphs 165 to 170 above, Parliament has already repealed the requirements of the Borough Funds Acts in regard to meetings of electors and polls in the case of opposition to Bills, promotion of Bills for the creation or extension of County Boroughs, and promotion of Bills by County Councils or Rural District Councils. We are of opinion that the Borough Councils and Urban District Councils have made out a case for the repeal of these provisions in so far as they apply to such Authorities.

We therefore recommend that the requirements of the Borough Funds Acts in regard to meetings of electors and polls should be repealed.

Section VI.—Assimilation of Powers of Urban and Rural District Councils.

187. The functions assigned to Rural District Councils and Urban District Councils respectively are set out in the Second Chapter of our First Report, paragraphs 123 to 134 of which particularize the functions of Urban District Councils which may, in certain circumstances, be assigned to Rural District Councils. It will have been observed that there were five principal enactments under which this could be effected :—

(*a*) The Local Government Act, 1894, section 25 (5), provides that Rural District Councils shall have such powers,

* Association of Municipal Corporations (Brooks), Appendix XCIV, paragraph 13 (VII, 1437–8).

duties and liabilities of Urban Sanitary Authorities under the Public Health Acts or any other Acts as the Minister of Health by General Order directs.

(*b*) Under section 276 of the Public Health Act, 1875, a Rural District Council, and under section 25 (7) of the Local Government Act, 1894, a County Council, or, with respect to the whole or part of a parish, a Parish Council, may apply to the Minister of Health for an Order declaring any provision of the Public Health Act, 1875, in force in Urban Districts to be in force in the Rural District or parish or part of a parish.

(*c*) Under the Public Health Acts Amendment Act, 1890, a Rural District Council can put the provisions of Part III specified in section 50 of the Act as being applicable in Rural Districts into operaion as a whole by adoption. If the Rural District Council wish to be empowered to exercise functions under Parts II, IV, or V, or under some but not all of the provisions of Part III specified in section 50, or under provisions of Part III not so specified, they can apply to the Minister in the same way as under section 276 of the Act of 1875. Application can also be made by a County Council or Parish Council as in (*b*) above.

(*d*) Under the same procedure, a Rural District Council may apply to the Minister for an Order putting in force in the District, or part of the District, the Private Streets Works Act, 1892. Application can also be made by a County Council or Parish Council as in (*b*) above.

(*e*) Under the Public Health Acts Amendment Act, 1907, a Rural District Council can apply to the Minister of Health (or in certain cases to the Home Secretary) for an Order declaring any Part or any section of the Act to be in force either in the whole District or in any specified contributory places therein.

188. To these provisions must now be added a sixth enactment. The Public Health Act, 1925, provides that a Rural District Council may adopt all or any provision of Parts II to IV, except certain sections in Parts II and III which are mentioned in the Second Schedule to the Act. Further, the Minister of Health may by Order apply to any Rural District or contributory place any provision of Parts II to V, or Part VIII.

Evidence on behalf of the Local Authorities.

189. The Rural District Councils Association were of opinion that the distinction hitherto drawn by Parliament between powers suitable for a Rural District and those required in an Urban District should be to a large extent, if not altogether, abandoned, as the difference between the two classes of Local

Authority was, in numerous instances, a difference in name only. Many of the powers conferred upon Urban District Councils by the Public Health Acts could only be obtained by Rural District Councils by application to the Minister of Health for an Order, which meant delay and expense in advertising. It was, therefore, suggested that a Rural District Council should be empowered to pass a resolution which would enable them to "have these powers, so that when any particular part of the Rural District develops an urban or semi-urban character, they can put the powers into operation at once just where they are wanted, and not in the remaining agricultural part of their area."*

190. The Association suggested that similar considerations applied in the case of adoptive Acts, and that the necessity for the formal adoption of most of these should be removed. These Acts confer powers which, they considered, should be exercised in appropriate circumstances, and the best judge of whether such circumstances existed or not was the Local Authority of the area concerned; and a simple resolution of the Council ought to be sufficient to bring the Acts into operation.†

191. Giving evidence on behalf of the County Councils Association, Sir Edward Holland expressed the view that there should be little, if any, distinction between Urban and Rural District Councils as far as powers were concerned.‡

192. As regards specific powers and duties where a difference existed between the position of Urban and Rural District Councils, the County Councils Association called attention to the Public Health (Water) Act, 1878, which imposed upon Rural District Councils certain powers and duties with regard to the supply of water to all occupied houses in their areas, but which were only applicable to Urban District Councils by Order of the Minister of Health. On the question of urban powers required in Rural Districts in which rapid development was taking place, the Association considered that the position was adequately provided for by the existing law, under which Rural District Councils could apply for urban powers.§ Sir Edward Holland agreed, however, that it might be desirable to confer a considerable number of urban powers upon Rural District Councils in general terms, leaving the Councils to use the powers when they became necessary, and so avoid intermittent applications for particular powers, which he regarded as a great waste of time.‖

* Rural District Councils Association (Pindar), **M. 66–7** (X, 1883), Q. 30,363–77 (X, 1892–3); (Everest), **M. 13–5**, Q. 39,468–80 (XIV, 2478).

† Rural District Councils Association (Pindar), **M. 68** (X, 1883), Q. 30,378–80 (X, 1893).

‡ County Councils Association (Dent and Holland), Q. 37,865 (XIII, 2361).

§ County Councils Association (Dent and Holland), **M. 135** (XIII, 2361).

‖ County Councils Association (Dent and Holland), Q. 37,864–5 (XIII, 2361).

193. The Urban District Councils Association considered that the differences existing between Urban and Rural District Councils had been substantially increased by the Local Government Act, 1929, because that Act deprived Rural District Councils of all powers as Highway Authorities, except such as they might acquire by delegation from the County Council. The Association recognized, however, that there were many Rural Districts with considerable aggregations of population which might well be governed as Urban Districts, and they had no objection to Rural District Councils having urban powers generally, without the necessity of making individual applications.*

Evidence on behalf of the Minister of Health.

194. In evidence on behalf of the Minister of Health, Sir Arthur Robinson explained the importance of the assimilation of powers in relation to the reorganization of areas contemplated by the Local Government Act, 1929. He expressed the view that in principle there was a case for such assimilation of powers, but that it would be necessary to consider whether or not there should also be an assimilation of duties, and whether it would be desirable to safeguard the position of private individuals in regard to any power of the Local Authority to impose obligations which might be necessary in an urban area but unreasonable in a rural or quasi-rural area.†

195. We were informed that it is the practice of the Minister of Health to grant Orders conferring urban powers more freely than heretofore, but Sir Arthur Robinson agreed that this procedure made unnecessary demands upon the time and attention of the Department, and that it would be an advantage if many of the powers could be conferred automatically on Rural District Councils. In this connexion, he mentioned that the various provisions had been considered in detail by a Committee which had examined the Public Health Acts with a view to amendment and consolidation.‡

Conclusions and Recommendations.

196. The necessity and expediency of assimilating the powers of Rural District Councils more closely to those exercised by Urban District Councils can, we think, be substantiated by reference to two practical considerations :—

(*a*) There are many Rural Districts, portions of which are urban in character. The tendency in such cases is often for the parish to seek to be constituted an Urban District.

*Urban District Councils Association (Postlethwaite), M. 172–5, Q. 39,524–8 (XIV, 2483).

† Ministry of Health (Robinson), Q. 40,186 (XIV, 2527).

‡ Ministry of Health (Robinson), Q. 40,187–9, Q. 40,192–6 (XIV, 2527).

This is one of the causes which has contributed to the impoverishment of Rural Districts and the creation of small Urban Districts which are not always effective units of local government. If Rural District Councils were endowed with urban powers which could be exercised in localities having urban characteristics, especially by a Parochial Committee such as we shall mention later, we think that many premature and abortive applications for the constitution of Urban Districts would be obviated.

(*b*) The reorganization of Districts under Part IV of the Local Government Act, 1929, may result in the absorption of small and financially weak Urban Districts into the Rural Districts surrounding them. The practical necessities of the situation and considerations of sentiment make it desirable that in any such re-absorbed area many urban powers should be available, and should perhaps be exercised by a Parochial Committee, so that the amenities of the area may not suffer and the inhabitants may feel that the place has not lost its corporate identity.

197. Our conclusion upon the extent to which there should be assimilation of powers of Urban and Rural District Councils must be prefaced by two general reservations. In the first place, we think that the assimilation should consist in the conferment on Rural District Councils of certain powers, as distinct from duties, of Urban District Councils. Secondly, in the case of any power to impose obligations upon an individual, it would be desirable to provide for an appeal to the Courts against any exercise of such powers which might be unreasonable in a rural area.

198. The Committee mentioned in paragraph 195 above prepared a list of powers suitable for extension generally to Rural District Councils, which we summarize below, with certain omissions necessitated by the provisions of the Local Government Act, 1929, in regard to highway powers. We do not regard this list as necessarily exhaustive ; but we append it as sufficiently indicating the kind of powers which in our view should be conferred generally on Rural District Councils ; and we recommend that in any amending legislation provision should be made accordingly.

PUBLIC HEALTH ACT, 1875.

Section	*As to*
20	Provision of map of system of sewerage.
26	Penalty on unauthorized building over sewers and under streets.
39	Public conveniences.
42	Cleansing and watering of streets.
44 (last paragraph).	Byelaws for the prevention of certain nuisances.

Section	*As to*
45	Provision of receptacles for deposit of dust, ashes, etc.
113	Byelaws as to offensive trades.
155	Regulation of line of buildings in streets.
157	Byelaws as to new streets and buildings.
158	Commencement and removal of works contrary to byelaws.
161	Lighting the district.
162	Purchase of undertaking of gas company.
163	Supersession of the Lighting and Watching Act, 1833.
164	Public walks and pleasure grounds.
165	Provision of public clocks.
169-70	Slaughterhouses.
171	So much of the section as incorporates with the Public Health Act, 1875, the provisions of the Town Police Clauses Act, 1847, with respect to public bathing.
172	Licensing of proprietors, drivers, and conductors of horses, etc., standing for hire, and making of byelaws.
197	Provision of offices.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

Section	*As to*
16	Passing injurious matter into sewers.
17	Turning chemical refuse, steam, etc., into sewers.
18	Alteration of drains by Local Authority.
19	Dealing with complaints of nuisances from drains.
20	Sanitary conveniences for public accommodation.
21	Sanitary conveniences used in common.
22	Sanitary conveniences for manufactories, etc.
23	Building byelaws (part).
24	Use of rooms over privies, etc.
25	Erection of buildings on ground filled up with offensive matter.
26	Byelaws as to removal of offensive matter and house refuse.
27	Cleansing common courts and passages.
28	Unsound food.
29-31	Slaughter-house licences.
32	Notice of cases of infectious disease in common lodging-houses.
33	Use of buildings as dwelling houses.
34	Erection of hoardings during progress of buildings, etc.
35	Repair of cellars under streets.
37	Safety of platforms, etc., erected for use on public occasions.
38	Byelaws for prevention of danger from whirligigs, shooting galleries, etc.
42	Statues and monuments.
44-5	Parks and pleasure grounds.
46	Repair, etc., of public clocks.
47	Throwing cinders, etc., into streams.
48	Defacing notices put up by the Council.

INFECTIOUS DISEASE (PREVENTION) ACT, 1890.

All the powers of an Urban District Council under the Act.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1907.

Part or Section.	*As to*
Part II.	*Streets and Buildings.*
15	Non-effect after certain intervals of plans deposited under byelaws.
16	Retention of plans deposited with Local Authority.
17	Varying position or direction and fixing beginning and end of new streets.
22	Buildings at corner of streets.
23	Definition of new buildings.
25	Paving, etc., of yards.
26	Entrances to courts, etc.
31	Fencing lands adjoining streets.
32	Security of hoardings.
33	Exemption of buildings of railway companies and others.
Part III.	*Sanitary Provisions.*
34	Examination of drains, closets, etc., on report of Surveyor or Sanitary Inspector.
35	Additional nuisances for the purposes of the Public Health Act, 1875.
38	Regulation of connexion of old drains with sewers.
39(1) and (2)	Provision of water-closets in connexion with new buildings.
43	Removal or alteration of urinals.
44	Provision of urinals at refreshment-houses, etc.
46	Provision for filling up cesspools, etc.
47	Public conveniences and lavatories (with the consent of the County Council).
50	Provision of ambulances for cases of accident.
51(2)	Byelaws with respect to offensive trades.
Part IV.	*Infectious Diseases.*
Part V.	*Common Lodging-Houses.*
Part X.	*Miscellaneous.* (Bathing places, provision of life-saving appliances, licensing of pleasure boats, and purchase of land).

PUBLIC HEALTH ACT, 1925.

Part or Section.	*As to*
Part II.	*Streets and Buildings.*
20	Paving and draining of courts, etc.
Part III.	*Sanitary Provisions.*
36	Power of Court on conviction for construction of drains in contravention of section 25 of the Public Health Act, 1875.
38	Execution by Local Authority of drainage works.
41	Prevention of entry of petrol, etc., into sewer.
42	Ventilation of soil pipes.
43	Nuisance caused by occupation of tents, vans, etc.

199. In considering how such powers should be conferred upon Rural District Councils, we have had in mind the fact that one of the grounds on which the need for the change has been commended to us is that the procedure now attending the acquisition of urban powers by a Rural District Council is unnecessarily complicated and dilatory. The recital of the statutory provisions in paragraphs 187 and 188 above is in itself sufficient to indicate the need for simplification. The present procedure

appears to us to impose unnecessary trouble upon both the Local and the Central Authorities, and we think that such urban powers as it may be deemed expedient to entrust to Rural District Councils should be conferred upon them generally by statute, without the necessity for the procedure of formal adoption or application to a Central Department for the issue of an Order. The conferment of the powers on Rural District Councils will, of course, need to be supplemented by a provision enabling Rural District Councils to put any such powers into operation in regard to any defined area in their District; and further provision will be necessary for charging the expenses as special expenses in proper cases.

200. In conclusion, we desire to refer particularly to the machinery by which such powers should be exercised in those parts of Rural Districts which are urban in character. We think that a Parochial Committee may be found to be very valuable for this purpose. We refer in the next Section of this Chapter to the constitution of such Committees, but in the present context we wish to point out that in respect of services the cost of which is a special charge on the parish, such as scavenging, lighting, water supply, provision of public conveniences, sewerage, sewage disposal, street numbering, and other similar matters, the powers could be delegated by the District Council to a Parochial Committee, practically without reservation. In respect of other duties, the Committee could assist the District Council by acting as a Sub-Committee, power being reserved to the District Council to take final decisions where the cost of any service is a general charge upon the District. We are of opinion that the development of this form of delegation would facilitate the exercise of urban powers in Rural Districts, and would remove many difficulties which now occur in administration.

Section VII.—Functions of Parish Councils and Parish Meetings.

201. In this Section we propose to deal with questions relating to the assignment of functions to Parish Councils and Parish Meetings; and it will be convenient to include here reference to certain other matters closely affecting the exercise of functions by these bodies. We, however, reserve for a subsequent Chapter consideration of the method of election of Parish Councillors.

A list of the functions of Parish Councils and Parish Meetings is given in paragraphs 110 to 116 of our First Report.

A.—Powers and Duties of Parish Councils and Parish Meetings.

Evidence on behalf of the Local Authorities.

202. The County Councils Association submitted that the functions of Parish Authorities appeared to fall, on a somewhat

rough and ready classification, under two heads, namely, those providing a means of calling attention either to default on the part of other Authorities or to the necessity of such Authorities being invested with additional powers, and those relating to amenities and privileges of purely local significance. As to the first of these classes, the Association considered that it clearly seemed desirable that the inhabitants of the smaller communities should possess a convenient method of endeavouring to remedy such lack of initiative on the part of the larger Authorities as might prove injurious to their interests. As to the second, it was suggested that there might be a danger of the preservation or establishment of local amenities (such as a village recreation ground) being overlooked unless the responsibility therefor remained in local hands, and further that for some services, such as the provision of allotments and the administration of charities, considerable local knowledge was desirable.*

203. The Association had therefore come to the conclusion that the classes of functions referred to in the preceding paragraph could with advantage continue under the jurisdiction of the Parish Authorities, who should accordingly remain in existence for these purposes. The only additional function which the Association suggested should be conferred on Parish Councils was the power to provide a village hall or institute. The Association were of opinion that power as to scavenging should remain with the Rural District Council, and should not be conferred upon Parish Councils.†

204. The Rural District Councils Association considered that Parish Councils and Parish Meetings were responsible for the performance of necessary parochial duties and should be encouraged in the direction of giving public service, though they did not suggest that any additional powers should be conferred upon Parish Councils.‡

205. It was stated, on behalf of the National Association of Parish Councils, that there was a strong desire amongst Parish Councils to be more closely associated with the management of affairs that exclusively affect the parish. In particular, Mr. Hammond suggested that Parish Councils should have powers in connexion with road widenings and housing, as, in his view, Parish Councils were generally more progressive in such matters because they were in closer touch with the needs of the parish, whereas Rural District Councils would not listen to the voice

* County Councils Association (Dent and Holland), **M. 129–30** (XIII, 2356–7).

† County Councils Association (Dent and Holland), **M. 131** (XIII, 2357), Q. 37,797–817 (XIII, 2357–8), Appendix CXIV, Statement A (XIII, 2371).

‡ Rural District Councils Association (Everest), **M. 1–4**, Q. 39,419–28 (XIV, 2476).

of the Parish Council, and were unsympathetic to parochial needs.*

Evidence on behalf of the National Council of Social Service.

206. The National Council of Social Service, in conjunction with the National Federation of Women's Institutes, had made a special inquiry into the working of Parish Councils and Parish Meetings. They expressed the opinion that the Parish Meeting in a parish where there was no Parish Council was valuable as a means of safeguarding the interests of the village when they were in any way threatened, but that as an organ of administration and for initiating schemes for the improvement of conditions in the village it had little practical value. On the other hand, the Parish Council had definite value as an organ of local government and could be made more effective than they were.†

207. The National Council considered that the question of scavenging was one of increasing importance in villages, and in the course of their inquiries dissatisfaction had often been met with because no effective action was being taken by the Rural District Council. It was therefore suggested that powers should be more often delegated to Parish Councils and Parish Meetings to carry out this work themselves, though it was not proposed by Captain Ellis that the responsibility should be taken away from the Rural District Council.‡ Mr. Pease (a member of a Parish Council), however, was of opinion that scavenging should be made an obligatory function of the Parish Council, the Rural District Council having power to act in default of the Parish Council.§

208. The late Mr. Guy Ewing (Chairman of a Parish Council) said that he had never experienced the difficulty which Mr. Hammond had mentioned of securing the attention of the Rural District Council to the Parish Council's complaints and requests.¶ Mr. Pease also dissented from Mr. Hammond's evidence on this point.‖

Evidence on behalf of the Minister of Health.

209. We sought the views of the Minister of Health, particularly in regard to the representations made on the subject of scavenging, and were informed that the difficulty was usually

* National Association of Parish Councils (Hammond and Oram), **M. 4** (XIII, 2299), **M. 7** (XIII, 2300), Q. 36,707–74 (XIII, 2303–6).

† National Council of Social Service (Ellis and Ferguson), **M. 25–6** (XIII, 2312–3).

‡ National Council of Social Service (Ellis and Ferguson), **M. 29** (XIII, 2313), Q. 37,007–18 (XIII, 2317).

§ National Council of Social Service (Pease), Q. 37,203 (XIII, 2325).

¶ National Council of Social Service (Ewing), Q. 37,099–101 (XIII, 2321).

‖ National Council of Social Service (Pease), Q. 37,173–4 (XIII, 2324).

much more a difficulty of finding the cost, which was a parochial charge, than of any unwillingness on the part of a Rural District Council to provide for the needs of a particular village. In the Minister's view, it was doubtful whether progress would be facilitated by making scavenging a function of the Parish Council; but, if the Rural District Council refused to carry out the work, there would be no objection to the Parish Council being entitled to appeal to the Minister of Health with a view to compelling the Rural District Council to do the work.*

Conclusions and Recommendations.

210. Apart from the question of scavenging and provision and maintenance of village halls, there does not appear to be any demand for alteration in the functions assigned to Parish Councils and Parish Meetings.

211. As regards scavenging, we consider that this is a sanitary service, responsibility for which should remain with the Rural District Council; but in the event of the District Council declining to provide this service in a parish which desires it and is willing to bear the cost, we recommend that the Minister of Health should be empowered either to require the District Council to act at the expense of the parish, or alternatively to authorize the Parish Council themselves to provide the service. We think, however, that difficulties would be less likely to arise if District Councils more commonly appointed Parochial Committees for services of this kind.

212. As regards village halls, we understand that Parish Councils are considered by the Minister of Health to have sufficient powers under section 8 of the Local Government Act, 1894, to provide and maintain buildings suitable not only for parish business but also for meetings and entertainments. Under the same section they have power to provide and maintain a recreation ground. Moreover, they are empowered to accept gifts for either purpose, and to incur expenditure in maintenance. It appears, however, that a Parish Council have no power to contribute towards the provision or maintenance of a village hall or recreation ground which is not vested in the Council; and we think that in any amending legislation this point might receive consideration.

B.—Procedure for Adopting the Lighting and Watching Act, 1833.

Evidence on behalf of the National Council of Social Service.

213. Mr. Pease, on behalf of the National Council of Social Service, called attention to the "antiquated procedure" of the

* Ministry of Health (Robinson), Q. 40,205–19 (XIV, 2528).

Lighting and Watching Act, 1833. Parish Councils, he said, were often induced, following the legal textbooks, to adopt or attempt to adopt that Act whereas a much easier way of securing the necessary powers was available under the Public Health Act, 1875, under which the Rural District Council could apply for urban powers in respect of the parish.*

Evidence on behalf of the Minister of Health.

214. Sir Arthur Robinson agreed that the present procedure for adopting the Lighting and Watching Act was cumbrous, and suggested the following simplification of procedure in cases where there was a Parish Council :—(*a*) it should be sufficient if the proposal to adopt the Lighting and Watching Act were passed by the Parish Council, and then confirmed at a Parish Meeting called after sufficient notice, the majority for the proposal being not less than two-thirds of the local government electors present at the Meeting; (*b*) this Meeting should lay down the maximum expenditure to be incurred; (*c*) there should be no right (as there is at present) to require a poll; and (*d*) as at present, where the proposal is to adopt the Act only for part of a parish, the Parish Meeting should be for only that part of the parish. The same provisions should apply with the necessary modifications where there was only a Parish Meeting and the powers have been conferred on it by the County Council. It was suggested that this proposal would simplify the procedure a great deal, while retaining for the people in the parish the safeguards which they now possess.

215. As an alternative, Sir Arthur Robinson agreed that it would be simpler to proceed under the Public Health Act, 1875, and confer urban powers in respect of the particular parish upon the Rural District Council, who could then delegate those powers to the Parish Council or Parochial Committee.†

Conclusion and Recommendation.

216. We appreciate the suggestions made for simplifying the procedure under the Lighting and Watching Act. But we have come to the conclusion that it would be preferable to repeal this Act, the procedure of which is unsuited to modern requirements and unnecessarily cumbrous, and to rely upon the provisions of the Public Health Act, 1875.

C.—Limitation of Expenditure.

217. Section 11 of the Local Government Act, 1894, imposed limits upon the annual expenditure of Parish Councils, a Parish Council being allowed to incur expenditure up to a threepenny

* National Council of Social Service (Pease), Q. 37,195–203 (XIII, 2325).
† Ministry of Health (Robinson), Q. 40,220–5 (XIV, 2528–9).

rate without the consent of the Parish Meeting, and up to a sixpenny rate with the consent of that Meeting; but any expenses incurred under Adoptive Acts are outside those limits. Section 75 of the Local Government Act, 1929, provides for the increase of those limits, to make good the loss caused by de-rating, by 33⅓ per cent., or such higher percentage as the Minister of Health may by Order in any special case allow. After the appointed day, the 1st April, 1930, a Parish Council will therefore be enabled to incur expenditure up to a fourpenny rate without the consent of the Parish Meeting, and up to an eightpenny rate with the consent of the Meeting.

Evidence on behalf of the Local Authorities.

218. The National Association of Parish Councils referred to the limits of expenditure fixed by the 1894 Act, and suggested that in order to meet the increased cost of services since the War, Parish Councils should be allowed to spend up to the limit of a sixpenny rate without having to obtain the consent of the Parish Meeting. It was not suggested, however, that the limit for expenditure with the consent of the Parish Meeting should be correspondingly extended.*

Evidence on behalf of the National Council of Social Service.

219. The National Council of Social Service were of opinion that the limits fixed by the 1894 Act were out of date in view of the change which has occurred in the value of money, a threepenny rate to-day being worth only about half of what it was in 1894.† Captain Ellis thought that both limits should be extended to approximately double those fixed by the 1894 Act; but the late Mr. Ewing was inclined to the view expressed by the National Association of Parish Councils that it was only necessary to extend the threepenny limit to sixpence.‡ Mr. Pease, on the other hand, had not met with any demand for an increase of the threepenny limit.§

Evidence on behalf of the Minister of Health.

220. We were informed that in the view of the Minister there might be a case for increasing both rate limits by, say, 50 per cent. to meet the fall in the value of money since the limits were fixed in 1894, such increase being apart from the increase of

* National Association of Parish Councils (Hammond and Oram), M. 4 (ii) (XIII, 2299), Q. 36,664–79 (XIII, 2301–2).

† National Council of Social Service (Ellis and Ferguson), M. 27 (XIII, 2313).

‡ National Council of Social Service (Ellis and Ferguson), Q. 36,985–9 (XIII, 2316); (Ewing), Q. 37,083–92 (XIII, 2320).

§ National Council of Social Service (Pease), Q. 37,172 (XIII, 2323).

33⅓ per cent. provided for by section 75 of the Local Government Act, 1929, to make good the loss caused by de-rating.*

Conclusion and Recommendation.

221. We have come to the conclusion that on the whole there is a justified demand for some increase in the spending powers of Parish Councils; but divergent views were expressed in the evidence as to the precise extent to which the present limitations should be modified.

We agree with the suggestion that caution is necessary in any proposal to increase facilities for expenditure. But we think that if a change is made it would be desirable to extend both the existing limits. We accordingly recommend that the limits of expenditure of a Parish Council with and without the consent of the Parish Meeting should be extended by 50 per cent., in addition to the 33⅓ per cent. increase authorized under section 75 of the Local Government Act, 1929. This would raise the limits to 6d. and 1s., respectively.

D.—Explanatory Leaflet as to Functions of Parish Councils and Parish Meetings.

Evidence on behalf of the National Council of Social Service.

222. As a result of their inquiries, the National Council of Social Service found that great confusion existed as to what were the powers and duties of Parish Councils and Parish Meetings; and they suggested that it would be an advantage if the powers and duties could be codified, so that Parish Councils could have as simple a charter of their functions as possible. Captain Ellis said that "it is almost impossible to find an ordinary Parish Council who know what they can do, and what they cannot do," and that what was wanted was "some kind of authoritative simplified statement . . . that an ordinary Parish Councillor can understand".†

223. The late Mr. Ewing also referred to the need for a simple statement of the powers and duties of Parish Councils. He deprecated anything in the nature of a legal textbook dealing with Acts of Parliament or with references, as he had in mind the desirability of a very simple statement of what Parish Councils are required to do and what they may not do. He added that on this point he found "almost complete ignorance."‡ Mr. Pease suggested that something was required which would point out not only the powers and duties, but also "the other

* Ministry of Health (Robinson), Q. 40,245 (XIV, 2530).

† National Council of Social Service (Ellis and Ferguson), M. 30 (XIII, 2313), Q. 37,019–26 (XIII, 2317).

‡ National Council of Social Service (Ewing), M. 7 (XIII, 2320), Q. 37,136–46 (XIII, 2322).

things which a Parish Council can do most effectively and for which there is no written law," and he suggested that a leaflet issued by the Ministry of Health would carry more weight than a publication by a private firm.*

Evidence on behalf of the Minister of Health.

224. Sir Arthur Robinson informed us that the Department would be prepared to undertake the preparation and issue of an explanatory statement of the powers and duties of Parish Councils if the Commission considered that such a document would serve a useful purpose.†

Conclusion and Recommendation.

225. The evidence seems to us to indicate that Parish Councils are not always fully informed of the powers and duties assigned to them. It is to be borne in mind that these bodies do not as a rule command the services of trained staff or advisers, and therefore have not at their disposal expert guidance on these matters. The utility of Parish Councils, in our view, depends very largely upon a full appreciation of the powers and duties entrusted to them ; and we recommend the issue by the Minister of Health, in as simple a form as possible, of a clear and authoritative statement of the powers and duties of Parish Councils and Parish Meetings.

E.—Parochial Committees.

226. Section 202 of the Public Health Act, 1875, and section 15 of the Local Government Act, 1894, empower a Rural District Council to appoint a Parochial Committee for any contributory place within their District, a contributory place normally being a parish or a Special Drainage District constituted under section 277 of the Act of 1875. The Rural District Council may appoint as the Parochial Committee a special Committee composed of (*a*) District Councillors, or (*b*) if there is a Parish Council, of District Councillors and Parish Councillors, or (*c*) if the parish has not a Parish Council, of District Councillors and parochial ratepayers. Alternatively, the Rural District Council may delegate to a Parish Council any power which may be delegated to a Parochial Committee, in which case the Parish Council act as a Parochial Committee.

227. A Parochial Committee is subject to any regulations and restrictions which may be imposed by the Rural District Council and acts as the agent of the Rural District Council, but its appointment does not relieve the District Council from any obligation imposed on the Council by Act of Parliament or otherwise.

* National Council of Social Service (Pease), Q. 37,182–8 (XIII, 2324).
† Ministry of Health (Robinson), Q. 40,240–1 (XIV, 2529).

A Parochial Committee may be empowered by the Rural District Council to incur expenses within limits which may be fixed by the Council and is required to report its expenditure to the Council; and the amount so reported, if legally incurred, must be discharged by the Council. Section 17 (5) of the Local Government Act, 1894, provides that when a Parish Council act as a Parochial Committee they shall have the services of the Clerk of the District Council unless the Council otherwise direct.

Evidence on behalf of the Local Authorities.

228. The Rural District Councils Association recommended the creation of Parochial Committees as part of the scheme which they put forward for obviating the continuance or the creation of small Urban Districts. They were of opinion that many of the existing small Urban Districts should be de-urbanized, and that Urban Districts should not be created in future with a population of less than 10,000 or a rateable value of less than £50,000. If effect were given to either of these proposals, they considered it imperative that some provision should be made whereby the larger parishes should enjoy a greater share in the administration of local government than is now open to them as component parts of the Rural District. With this object in view they recommended that when the population of a rural parish amounted to 3,000 or more it should be obligatory on the Rural District Council, if so requested by the Parish Council, to appoint the Parish Council as the Parochial Committee. This, it was suggested, would bring the Parish Council into a more active participation in public health duties, and would encourage the best men in the parish to come forward for election on the Parish Council.*

229. Mr. Everest, in giving later evidence on behalf of the Rural District Councils Association, informed us that a number of Rural District Councils had appointed Parish Councils as Parochial Committees. The Association were of opinion that this procedure was usually to the advantage of both Authorities; and the witness agreed that an extension of this system would enable the Rural District Council to devolve a very large amount of work on Parochial Committees which they could carry out with a considerable measure of independence. The officers of the Rural District Council would be at the disposal of the Parochial Committee, and although the District Council would keep control of the expenditure most of the functions devolved would be a special charge on the parish.†

* Rural District Councils Association (Pindar), M. 54 (X, 1878), Q. 30,110–40 (X, 1880–1).

† Rural District Councils Association (Everest), M. 5, Q.39,422 (XIV, 2476), Q. 39,438–48 (XIV, 2476–7).

230. The National Association of Parish Councils were also of opinion that the practice of appointing the Parish Council as a Parochial Committee should be extended, particularly as regards matters of health administration, minor roads, and scavenging. Mr. Hammond indicated that, in his experience, Rural District Councils to-day were jealous of delegating their powers, and that this militated against the general establishment of Parochial Committees.*

Evidence on behalf of the National Council of Social Service.

231. Some interesting details were put before us by the National Council of Social Service as to the extent to which Parochial Committees had been appointed by Rural District Councils in several Counties, the different methods of constitution adopted in a number of cases, and the powers delegated to the Committees. As indicating the extreme variations in practice, we were informed that in one County with 271 rural parishes, a Parochial Committee had been established in one parish only, whereas in another County with 395 rural parishes, two of the ten Rural District Councils had established Parochial Committees for all the parishes in their area, to the number of 42 and 44 respectively. The composition of these Committees varies considerably, and the following examples were brought to our notice : (i) the Parish Council are the Parochial Committee; (ii) the Parish Council and District Council each nominate a specified number of members; (iii) two members of the Parish Council act with the District Council; (iv) the representatives of the parish on the District Council act as the Parochial Committee. Again, in the matter of functions delegated to these Committees the practice differs considerably. Powers of scavenging appear to be frequently delegated; and in some cases those relating to sewering and sewage disposal; while in other cases we were informed that the Parochial Committee had been given a general power to superintend the execution and maintenance of any work which may be required or have been provided for the special use of the parish.†

232. The National Council were of opinion that the Parochial Committee system might be extended with advantage, as the Committees provided a means for consultation between representatives of the Parish Council and the Rural District Council which made for smooth working between the two Authorities.‡

* National Association of Parish Councils (Hammond and Oram), **M. 8** (XIII, 2300), Q. 36,808–86 (XIII, 2307–9).

† National Council of Social Service (Ellis and Ferguson), **M. 5** (XIII, 2310), **M. 19–23** (XIII, 2312).

‡ National Council of Social Service (Ellis and Ferguson), **M. 28** (XIII, 2313).

Evidence on behalf of the Minister of Health.

233. The appointment of Parochial Committees by a Rural District Council does not require the approval of the Minister of Health, but we were informed that, from such information as was available in the Department, the Parochial Committee system appeared to be a sound one, and might very well be developed. Sir Arthur Robinson pointed out that this would be extremely important in the case of small urban areas being re-absorbed into Rural Districts under the rearrangement of County Districts contemplated by the Local Government Act, 1929. In the event of a Rural District Council refusing to set up a Parochial Committee, he did not dissent from the suggestion there should be a right of appeal on the part of the Parish Council to the County Council or to the Minister of Health.*

Conclusions and Recommendations.

234. We are satisfied that in the Parochial Committee system the existing law provides a valuable expedient of which greater use should be made. Such a Committee encourages the ratepayers of the parish to take a more effective part in the administration of services in the parish, and enables the District Council to arrange a measure of delegation while reserving full financial control if they so desire. In the discharge of the delegated functions the Parochial Committee have the advantage of the services of the District Council's officers. The provisions relating to the constitution and powers of Parochial Committees are sufficiently flexible to make their adoption practicable and desirable in a great variety of circumstances. In our conclusions upon the assimilation of powers of Urban and Rural District Councils, we have already expressed our opinion that the establishment of Parochial Committees may be very valuable for the exercise of certain powers in a Rural District, particularly in the case of any urban area that may be re-absorbed in a Rural District under the provisions of Part IV of the Local Government Act, 1929.

235. We have come to the conclusion that in order to encourage the creation of these Committees, it is undesirable to leave the decision in the sole discretion of the Rural District Council; and we think that in the event of a Rural District Council declining to comply with a request from a Parish Council or a Parish Meeting for the creation of a Parochial Committee there should be an appeal against such refusal. It has been suggested that the appeal might lie to the Minister of Health or, alternatively, to the County Council. We are reluctant to add to the appeals which may be made to the Central Department; and, moreover, the County Council appear

* Ministry of Health (Robinson), Q. 40,227–39 (XIV, 2529)

to us to be a very appropriate body to determine a question of this nature. We accordingly recommend that a Parish Council or Parish Meeting should be empowered to appeal to the County Council against a refusal by the Rural District Council to create a Parochial Committee, and that the County Council should be empowered, if they think fit, to direct the District Council to create such a Committee.

236. Further, it appears to us desirable that facilities should be provided for the creation, where desired, of a Parochial Committee for two or more parishes or contributory places.

F.—Liaison between Rural District Council and Parish Council.

Evidence on behalf of the Local Authorities.

237. The Rural District Councils Association were of opinion that the Rural District Councillor representing a particular parish should also be a member of the Parish Council, so as to ensure complete liaison between the two bodies.*

238. The National Association of Parish Councils suggested that a closer association of the Parish Council and the Rural District Council should be effected by the appointment of representatives of the Parish Council on Committees of the Rural District Council, particularly those dealing with housing and water supply, and by the appointment of the Rural District Councillor representing a parish as a member of the Parish Council or Parochial Committee.†

Evidence on behalf of the National Council of Social Service.

239. The National Council of Social Service attached great importance to the existence of a close contact between the Parish Council and the Rural District Council, and suggested that one of the representatives of a parish on the Rural District Council should be *ex officio* a member of the Parish Council, and so act as liaison officer between the two bodies.‡ The late Mr. Ewing suggested that the Chairman of a Parish Council might be *ex officio* Rural District Councillor for his parish, or that the Rural District Councillor for the parish should be Chairman

* Rural District Councils Association (Everest), **M. 6**, Q. 39,435–7 (XIV, 2476).

† National Association of Parish Councils (Hammond and Oram), **M. 9** (XIII, 2300), Q. 36,691–4 (XIII, 2302), Q. 36,818–9 (XIII, 2307).

‡ National Council of Social Service (Ellis and Ferguson), **M. 28** (XIII, 2313), Q. 36,999–37,004 (XIII, 2317).

of the Parish Council* Mr. Pease also supported the suggestion that the Rural District Councillor for the parish should be an *ex officio* member of the Parish Council.†

Evidence on behalf of the Minister of Health.

240. Sir Arthur Robinson, on behalf of the Minister of Health, supported the proposal that the representative of a parish on the Rural District Council should be *ex officio* a member of the Parish Council.‡

Conclusion and Recommendation.

241. Common membership of the District Council and Parish Council obviously affords a valuable link between the two bodies. But at present this is largely fortuitous, as the representative of the parish on the District Council may or may not be a member of the Parish Council. We have carefully considered the proposals put before us for securing generally arrangements conducive to close liaison between the Councils. The suggestion that the Chairman of the Parish Council should be *ex officio* a member of the Rural District Council might prove unworkable in Districts with a considerable number of parishes, as it might enlarge the District Council to an unwieldy size unless the Chairmen of the Parish Councils happened to be already members of the District Council.

242. We think that a preferable alternative is to be found in the proposal that the representative of a parish on the Rural District Council should be *ex officio* a member of the Parish Council. This, of course, is also open to the objection, though in a smaller degree, that in cases where a parish has several representatives on the District Council, the arrangement might result in unwieldy additions to the Parish Council. But we think that it would not be difficult to devise a procedure for limiting the *ex officio* membership to one. For this purpose, it might be provided that the senior representative of the parish on the District Council should be *ex officio* a member of the Parish Council, or that the Parish Council should be empowered to co-opt on the Parish Council one member from among the parish representatives on the District Council.

G.—Areas of Parishes.

243. In conclusion, we must refer briefly to suggestions made in the evidence regarding the grouping or amalgamation of small parishes.

* National Council of Social Service (Ewing), **M. 6** (XIII, 2320), Q. 37,131–3 (XIII, 2322).

† National Council of Social Service (Pease), Q. 37,177–80 (XIII, 2324).

‡ Ministry of Health (Robinson), Q. 40,226 (XIV, 2529).

This course was recommended by Mr. Hammond on behalf of the National Association of Parish Councils* and by the National Council for Social Service.† Two representatives of the Council, however, the late Mr. Guy Ewing and Mr. Pease, expressed considerable doubt as to the desirability of grouping small parishes together.‡

244. We do not think it necessary to make any recommendation on this question, as section 46 of the Local Government Act, 1929, makes adequate provision for the review of parish boundaries in common with those of other local government units.

Section VIII.—Publication of Provisional Orders made under the Gas and Water Works Facilities Acts, 1870 and 1873, and the Tramways Act, 1870.

245. Our attention was called to the procedure for the publication of Provisional Orders made under the Gas and Water Works Facilities Acts, 1870 and 1873. Part IV of Schedule B to the Act of 1870 requires that after an Order has been made, the undertakers shall "publish the Provisional Order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published." This requirement, we were informed, may cost as much as £150, and it was suggested that the necessities of the case would be met by an advertisement that the Order had been made and that a copy could be purchased from the undertakers or be inspected at a specified place.§

A similar provision is contained in the Tramways Act, 1870 (section 13, and Schedule B, Part IV) in reference to Provisional Orders made under that Act.

Conclusion and Recommendation.

246. We are of opinion that the requirement that the full text of a Provisional Order made under the Gas and Water Works Facilities Acts, 1870 and 1873, or under the Tramways Act, 1870, shall be published by the undertakers in a local newspaper imposes unnecessary expense upon them; and we recommend that in any amending legislation opportunity should be taken to substitute for this requirement a provision that the

* National Association of Parish Councils (Hammond and Oram), Q. 36,804 (XIII, 2306).

† National Council of Social Service (Ellis and Ferguson), M. 25 (XIII, 2312).

‡ National Council of Social Service (Ewing), M. 5 (XIII, 2319), Q. 37,123 (XIII, 2322); (Pease), Q. 37,160–5 (XIII, 2323).

§ Ministry of Health (Robinson), Q. 40,432–5 (XIV, 2539).

undertakers should publish an advertisement in a local newspaper that the Order has been made and that a copy can be purchased from the undertakers or be inspected at a specified place.

Section IX.—Consolidation of Statutes.

247. We cannot conclude our review of questions relating to the functions of Local Authorities without referring to the number and complexity of the statutory provisions relating thereto. The point is illustrated in almost every Chapter of our Reports; but it will be sufficient to draw attention to the principal Acts in one group of statutes to which perhaps most frequent reference has been made, particularly in connexion with the administration of health services: the Public Health Acts of 1875, 1890, 1907, and 1925, the Municipal Corporations Act, 1882, and the Local Government Acts of 1888, 1894, and 1929. The accumulation of statutory provisions has, in our view, reached a point at which it is imperative that consolidation should be undertaken. We are aware that this has already received the attention of the Ministry of Health, and that some valuable work has been put in hand.* But we refer to the matter because, in our view, the consolidation of such enactments is urgently needed in the interests both of local government and of central administration.

PART II.—MATTERS RELATING TO THE CONSTITUTION OF LOCAL AUTHORITIES.

Introductory.

248. In paragraphs 44 to 101 of our First Report we outlined the provisions relating to the constitution of the principal types of Local Authorities, and the procedure for altering their status and area.

It will be appreciated that many issues affecting the constitution of County District Councils in particular have been dealt with in Chapter I of our Second Report, in which we discussed the reorganization of areas. There remain for consideration in the present Chapter certain other questions relating to the constitution of Local Authorities which have been raised directly or have emerged incidentally in the evidence given before us.

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* Ministry of Health (Robinson), Q. 40,192 (XIV, 2527).

Section I.—Creation of Boroughs.

249. At present a Borough is created by virtue of the exercise of Your Majesty's Prerogative by the grant of a Charter of incorporation. The procedure under which Your Majesty is advised by Your Privy Council in this exercise of the Prerogative is defined in Part XI (sections 210 to 218) of the Municipal Corporations Act, 1882, and section 56 of the Local Government Act, 1888. This procedure was summarized in paragraphs 70 to 86 of our First Report.

Evidence on behalf of the Minister of Health.

250. Proposals in regard to the procedure for the creation of Boroughs were put before us by the Minister of Health in a memorandum which had been agreed between the Departments concerned, that is to say, the Privy Council Office, the Home Office, the Ministry of Health, and the Board of Education;* and oral evidence on this memorandum was given by Sir Arthur Robinson, on behalf of the Minister of Health.

251. It was suggested in the memorandum that the time was ripe for considering whether the present system of the creation of Boroughs by Charter should be continued, for the following reasons† :—

(i) The system was adopted at a time when the grant of a Charter was the only means of establishing a municipal urban government.

(ii) In the course of the last century, local government areas had been more and more determined by statute, and the trend had been very definitely from common law and privilege to Parliamentary regulation.

(iii) There was now a systematic statutory code for settling Rural, Urban, and County units, and the creation of Boroughs by Charter was a survival. It was significant also that the Metropolitan Borough Councils were statutory bodies.

(iv) Although Boroughs were still created by Charter, the effective powers of Borough Councils were now determined by statute, principally by the Municipal Corporations Act of 1882, although the scheme under the Charter might limit those powers.

(v) In addition, of the powers now possessed by Borough Councils, far the largest number, and the most important, had been conferred on them as Urban District Councils, powers which were shared equally with the Councils of other Urban Districts which did not enjoy the Borough status.

* Ministry of Health (Robinson), Q. 40,023 (XIV, 2519).
† Ministry of Health (Robinson), **M. 733–6** (XIV, 2519).

252. The Minister expressed the view that the status of a Borough tended to foster civic spirit and in that way to help local government, and stated that it might be expected that the number of Boroughs would steadily increase, and that the rate of increase was likely to be higher in the future than in the past. The alternatives appeared to be either (*a*) to deal with a steady flow of applications by individual cases, an inquiry being held in each instance, or (*b*) to deal with the matter of Borough status in a comprehensive manner. With the latter end in view, the Minister put forward certain tentative conclusions for our consideration.*

253. The first conclusion was that "*there is not sufficient reason for dealing individually with each Authority desiring the status of a Borough.*"† Three possible objections were met as follows :—

(*a*) Objection might be raised to the abolition of the present practice on the ground that this practice made it possible to refuse the status of a Borough to any Authority whose standard of government was low. But the Minister suggested that, under the scheme which he submitted, arrangements could be made to prevent an Urban District where the standard of government was low from attaining the dignity of a Borough.‡

(*b*) Another objection which might be raised was that the formation of new County Boroughs might be encouraged. But the Minister pointed out that under the existing system an Urban District which aspires to become a County Borough, and is of sufficient size and has a good enough government, would not have any difficulty in obtaining a Charter.§

(*c*) A third objection which might be raised was that (apart from the proposals in Part IV of the Local Government Act, 1929) alterations of the boundaries of Boroughs can be effected only by Provisional Order, which is subject to confirmation by Parliament, or by Act of Parliament. If Statutory Boroughs were placed in the position of Urban Districts, boundaries could be altered by Orders made by County Councils, subject to confirmation by the Minister of Health. It was not suggested that the position of existing Boroughs in this respect should be altered; and it might be urged that, apart from existing rights, there was not

* Ministry of Health (Robinson), **M. 737–8** (XIV, 2520), **M. 744** (XIV, 2520), Q. 40,030–5 (XIV, 2521).

† Ministry of Health (Robinson), **M. 739** (XIV, 2520).

‡ Ministry of Health (Robinson), **M. 739** (*a*) (XIV, 2520).

§ Ministry of Health (Robinson), **M. 739** (*b*) (XIV, 2520), Q. 40,073 (XIV, 2522).

sufficient reason why the same procedure as regards alterations of boundaries should not be applied to Boroughs and Urban Districts of equal size. It was further suggested that the same considerations held good in the matter of the form of audit.*

254. In oral evidence, Sir Arthur Robinson agreed that the absence of a right to go to Parliament with a proposal for the alteration of boundaries might be regarded as putting the new Statutory Boroughs in a position inferior to that occupied by Chartered Boroughs, and he suggested the possibility of provision being made whereby that right should be retained.† As regards form of audit, he said it was open to consideration whether provision might similarly be made whereby Statutory Boroughs should not be subject to Government audit, unless they so desired, though he would much regret such a proposal.‡

255. The Minister's second conclusion was that "*each Urban District of sufficient size should be empowered by statute to constitute itself a Borough, provided that the resolution is confirmed by an Order of the Minister of Health, the Order to be laid before Parliament, and to be subject to be annulled on an address presented by either House of Parliament.*" §

256. As regards the population to be specified, it was observed that 20,000 had become a recognized figure, and was further recognized in the Local Government Act, 1929, in determining which Urban Authorities should be given the right to claim to maintain classified roads. Population should, however, only be regarded as the necessary pre-existing condition before an application for Borough status could be made, the good government of the area being the test whether the application should be granted.‖ The presumption would be that an Urban District of sufficient size would become a Borough if the Council so desired, and that a confirmatory Order would be refused only for special reasons, such as a poor standard of local government. The Minister should be required, before refusing an Order, to hold a local inquiry if so requested by the District Council.¶

257. It was suggested that it would probably be desirable to provide that the resolution of the District Council should be passed only after special and sufficient notice, and that the resolution should be confirmed at a subsequent meeting, again after due notice; but Sir Arthur Robinson did not think it necessary

* Ministry of Health (Robinson), **M. 739** (*c*) (*d*) (XIV, 2520).
† Ministry of Health (Robinson), Q. 40,077–88 (XIV, 2522–3).
‡ Ministry of Health (Robinson), Q. 40,088 (XIV, 2523).
§ Ministry of Health (Robinson), **M. 740** (XIV, 2520).
‖ Ministry of Health (Robinson), **M. 740** (*d*) (XIV, 2520), Q. 40,097–101 (XIV, 2523).
¶ Ministry of Health (Robinson), **M. 740** (*b*) (XIV, 2520).

to provide that there should be a specified majority on each occasion.*

258. The Minister's third conclusion was that "*the Statutory Boroughs should possess the same powers and duties as those of the larger Urban Districts, but have all the civic dignity of the present Boroughs, with a Mayor as the chief officer.*"† In this connexion, it was explained that it would be contrary to modern notions that the Council of a new Borough should have any right, because of their new status, to claim to be an independent Police Authority. Further, it was submitted that there was no case on merits for establishing Elementary Education Authorities at a lower limit of population than that which now applies to Urban Districts. As to byelaws for good rule and government, it might be very difficult to justify on merits a distinction between the powers of Councils of Boroughs and Urban Districts of equal size; but the view of the Home Office was that the power of making such byelaws should be restricted to Police Authorities, because byelaws of this kind were usually enforced by the police; and it was suggested that this principle be followed in the case of any new Boroughs.‡

259. In oral evidence, it was explained that under the present arrangements, the consideration of an application for a Charter was usually accompanied by a good deal of negotiation as to the provisions of the scheme, and that, as a result, the scheme appended to the Charter frequently provided that certain powers should not be exercised by the new Borough Council. The matters hitherto dealt with in the scheme would be covered by the statute, but apart from this the Council of a new Statutory Borough would possess all the powers and duties of the Council of a larger Urban District.§

260. The Minister's fourth conclusion was that "*the position of existing Boroughs be left untouched.*" On the score of logic and uniformity, it was suggested that there was no doubt something to be said for placing existing Boroughs in the same position as new Boroughs. But such a proposal would certainly be strongly opposed.‖

Evidence on behalf of the Local Authorities.

261. The County Councils Association informed us that they had considered the proposals of the Minister of Health outlined above, and that they did not "object to any proposal for permitting, by some more simple process than the grant . . .

* Ministry of Health (Robinson), **M. 740** (*a*) (XIV, 2520).
† Ministry of Health (Robinson), **M. 741** (XIV, 2520).
‡ Ministry of Health (Robinson), **M. 741** (*a*) (*b*) (XIV, 2520).
§ Ministry of Health (Robinson), **M. 740** (*c*) (XIV, 2520), Q. 40,068–73 (XIV, 2522), Q. 40,153–74 (XIV, 2525–6).
‖ Ministry of Health (Robinson), **M. 742** (XIV, 2520).

of a Charter of Incorporation, the conferment upon appropriate Urban Districts of the civic form and status of a Borough, provided that Boroughs created by any such alternative method are not thereby invested with any powers or privileges with regard to education, police, byelaws, alteration of boundaries, diseases of animals or form of audit, in addition to those now possessed by them as Urban Districts, and also that the County Councils concerned are consulted before any such changes are sanctioned."*

262. The Association of Municipal Corporations appointed a Special Committee to consider the proposals put forward by the Minister, and furnished us with a copy of the Committee's Report which had been adopted by the Association. The Association preferred the present Charter system for the creation of Boroughs, but suggested that there were undoubtedly improvements that could be made in procedure.†

Their main objection to the new proposals was that they would have the effect of creating a new class of Local Authority. There were already three classes of Boroughs with widely differing powers, namely, County Boroughs, Non-County Boroughs, and Metropolitan Boroughs; and, in the opinion of the Association, it was very desirable to avoid, if possible, the bringing into existence of another class of Borough.‡

263. They recognized, however, that the existing procedure for the creation of Boroughs was not altogether satisfactory, and they indicated that they would like to see greater assistance rendered by the Ministry of Health, who were the Government Department primarily responsible in regard to matters of local government. In particular, they suggested that the Privy Council and that Department should be asked to consider whether the Commissioner to hold the inquiry could not be one of the Inspectors of the Ministry of Health, who were very conversant with all matters of local government and had access to the records of the Department.§

264. They further suggested for consideration that the procedure would be simplified and modernized if the petition for a Charter could be presented by the District Council on behalf of the inhabitants, instead of it being necessary to secure the signature of a majority of the inhabitant householders. If that course were adopted, it might perhaps be thought necessary to require the District Council to come to their decision by an absolute majority of the whole number of the Council at a

* County Councils Association, Appendix CXX (XIV, 2550).

† Association of Municipal Corporations, Appendix CXXI, paragraph 5 (XIV, 2550).

‡ Association of Municipal Corporations, Appendix CXXI, paragraph 6 (XIV, 2550).

§ Association of Municipal Corporations, Appendix CXXI, paragraph 7 (XIV. 2550).

special meeting held after public notice, and possibly it might be thought desirable that the resolution should be confirmed at a subsequent special meeting. In any case, the Association suggested that the District Council should have authority to defray the expenses incurred in, and in consequence of, the presentation of the petition.*

265. The Association saw no objection to its being laid down that in order to justify an application for a Charter, the area must have a population of not less than 20,000.†

266. The Urban District Councils Association considered the proposals put forward by the Minister of Health at their Annual Conference on the 28th June, 1929, when the following resolution was adopted‡ :—

> " (*a*) That the principle (enunciated in paragraph **744** of the memorandum§) of equal status and powers of Boroughs and Urban Districts of equal size is in conformity with the claim which has been consistently made by the Urban District Councils Association and maintained (almost without exception) in all recent legislation;
>
> " (*b*) That the suggestion for the transformation of Urban Districts into Statutory Boroughs is acceptable as being calculated to enhance the status of Urban District Councils and improve civic spirit in their towns;
>
> " (*c*) That any Urban District should be entitled (irrespective of the population of their District) to become a Statutory Borough by appropriate procedure if showing a reasonable standard of administrative efficiency and financial capacity;
>
> " (*d*) That the suggestion (contained in paragraph **740** (*d*) of the memorandum) for a population qualification of 20,000 is arbitrary, shows a lack of recognition of the work and capacity of Urban District Councils generally, and is notably inconsistent with the principle declared in paragraph **744** of the memorandum;
>
> " (*e*) That the proposal to distinguish in certain respects between the powers of Municipal Boroughs and Statutory Boroughs in the manner suggested by the Ministry of Health requires the most careful investigation, and that in any case there is no justification for denying to Statutory Boroughs the right to make byelaws for good rule and government under section 23 of the Municipal Corporations Act, 1882;

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* Association of Municipal Corporations, Appendix CXXI, paragraph 8 (XIV, 2550).

† Association of Municipal Corporations, Appendix CXXI, paragraph 9 (XIV, 2550).

‡ Urban District Councils Association (Postlethwaite and Abbott), **M 239–41** (XIV, 2546).

§ Ministry of Health (Robinson), **M. 744** (XIV, 2520).

" (*f*) That if legislative provision should be made for the creation of Statutory Boroughs, the ancient right (reaffirmed by the Municipal Corporations Act, 1882) vested in the inhabitant householders of any town (whether a Statutory Borough or not) to petition His Majesty for a Charter of Incorporation, should be preserved."

267. In oral evidence the witnesses on behalf of the Association referred to the small number of Boroughs created by Charter in recent years, and stated as their principal objection to the existing procedure that " it seems almost impossible for Urban Districts to become Chartered Boroughs ".* For this reason, although there were features in the proposals put forward by the Minister of Health that they did not like, the Association were prepared to accept those proposals with all their limitations rather than to retain the *status quo*; but they desired that, in addition to the constitution of Statutory Boroughs, the right to petition for a Charter should be preserved.† On the other hand, if the present procedure were altered so that Charters were more readily granted, the Association would prefer the Charter procedure; and, in this connexion, the witnesses expressed approval of the suggestions for the variation of the present procedure made by the Association of Municipal Corporations, and referred to in paragraphs 263 to 265 above.‡

268. With regard, however, to the proposed requirement that there should be a population of 20,000 before a District could become a Borough, either under the proposal for Statutory Boroughs or under any revision of the procedure for Chartered Boroughs, the witnesses expressed the view that while there should be a " reasonably large population ", to draw the line at any definite figure would result in hard cases. Instances were given of places of 15,000 population and high rateable value on the outskirts of Manchester and London which were possibly suitable for Borough status, but which would be definitely precluded from attaining such status for many years if a population of 20,000 were laid down as a hard-and-fast rule. Further, it was submitted that Borough status might quite properly be accorded to a place with a population of only 5,000, if it maintained all the essential services and was the centre of the surrounding area in a country district. Asked if they would accept 20,000 as a " normal " population limit, the witnesses objected that in practice " normal " would tend to be regarded as " minimum ", and they therefore expressed a preference for some arrangement which would allow Borough status to be given

* Urban District Councils Association (Postlethwaite and Abbott), Q. 40,450–6 (XIV, 2547–8).

† Urban District Councils Association (Postlethwaite and Abbott), Q. 40,438–49 (XIV, 2547), Q. 40,460–1 (XIV, 2548).

‡ Urban District Councils Association (Postlethwaite and Abbott), Q. 40,462–6, Q. 40,470–4 (XIV, 2548).

"in a proper case" to any place below a stated limit of population.*

Conclusions and Recommendations.

269. We appreciate that the proposal submitted by the Departments concerned was put forward in order to remove some unsatisfactory features of the present procedure, and to provide a simpler and more certain method of ensuring that the dignity of Borough status shall be accorded only to Districts of appropriate size and efficiency. The support which the Urban District Councils Association gave to the scheme was neutralized by their acceptance of it as an additional facility to be enjoyed concurrently with the existing Charter procedure; whereas one of the primary objects of the scheme was that the new procedure should entirely replace the existing procedure. The concurrence of the County Councils Association was qualified by the emphasis laid on the proviso that the new Statutory Boroughs should have no powers or privileges as regards police, education, byelaws for good rule and government, alteration of boundaries, diseases of animals or form of audit, in addition to those possessed by them as Urban Districts. The Association of Municipal Corporations, while recommending some improvements in the present Charter procedure, deprecated the introduction of Statutory Boroughs on the ground that this would in effect create a new class of Local Authority, and that it was desirable to avoid, if possible, bringing into existence another class of Borough.

270. The proposal of the Government Departments undoubtedly has many practical advantages to commend it; but against this must be set certain considerations based partly on sentiment and partly on the collateral effects of the scheme. The considerations based on sentiment are, of course, matters of opinion and conjecture, on which different views may be maintained; but Royal Charters are the symbol of a procedure that has its roots in antiquity, and they are associated with ceremonials and traditions which, in our judgement, are not merely superficial survivals, but have a real value in marking the continuity of local government and in fostering an ambition in Local Authorities so to develop their administration that they may obtain the status of a Chartered Borough. Objection to the discontinuance of the grant of Charters might, we think, legitimately be taken on purely sentimental grounds, and on the practical ground that one of the incentives to improved administration might thereby be lost. There is a further practical objection that the creation of Boroughs by statute, with specific limitations as to the powers which might be exercised by the

* Urban District Councils Association (Postlethwaite and Abbott), Q. 40,475–82 (XIV, 2548–9).

new Authority, would in effect involve the creation of a new class of Local Authority. It may be easy to exaggerate the significance of this point, having regard to the many similarities already existing between the powers and duties of Town Councils and of the larger Urban District Councils; but we have come to the conclusion that local government might be unnecessarily complicated by the creation under the suggested procedure of Statutory Boroughs which would be different from the existing Chartered Boroughs on the one hand and from Urban Districts on the other.

271. We are, therefore, disposed to deprecate the abolition of procedure by Charter. But if that procedure is to be retained, we think that due regard must be paid to the important considerations which prompted the submission of proposals for a new procedure. We consider that the retention of the Charter system should be accompanied by measures designed to ensure more effectively that the grant of a Charter is made to depend primarily upon the merits of the area as an efficient local government unit, judged by the needs of present day conditions and the best standards of modern administration. We, therefore, recommend that the following modifications should be made in the existing law and practice :—

(1) Whilst, in view of the exceptional cases which may require special consideration, we do not propose that power to apply for a Charter should be limited by statute to Authorities with a certain population, we are of opinion that as a rule of practice a minimum population of 20,000 should normally be a condition precedent to the submission of a petition for a Charter.

(2) In lieu of a petition signed by a majority of the inhabitant householders, the petition should be made by the Local Authority. The proposal to submit such a petition should require an absolute majority of the whole number of the Council at a special meeting convened after due notice, and should be confirmed at a further special meeting, again by an absolute majority.

(3) In determining what advice should be tendered to Your Majesty in regard to the exercise of the prerogative in the grant of a Charter, the Committee of the Privy Council should have regard primarily to the report of the Minister of Health upon the efficiency of administration and financial capacity of the area in question, and any local inquiry into a petition should accordingly be held by an Inspector of the Ministry of Health.

Section II.—Constitution of Electoral Divisions of Counties.

272. The power possessed by the Minister of Health as successor to the Local Government Board, under section 54 of

the Local Government Act, 1888, to make Orders altering the boundaries of Electoral Divisions of Administrative Counties, or the number of County Councillors and Electoral Divisions, was transferred to the Secretary of State by the Ministry of Health (Registration and Elections : Transfer of Powers) Order, 1921, made under the Ministry of Health Act, 1919.

By sub-section (1) of the section, as amended by section 2 of the Representation of the People Act, 1922, upon a representation being made in accordance with those provisions that the alteration of the boundary of any Electoral Division of a County or of the number of County Councillors and Electoral Divisions is desirable, the Secretary of State, unless for special reasons he decides not to entertain the representation, may after local inquiry make an Order for the proposal in the representation or for such other proposal as may be expedient, or may refuse an Order.

273. Sub-section (2) of section 54 of the Act of 1888, as enacted, provided that in default of such representation (before the first day of November, 1889) the Local Government Board might cause a local inquiry to be made, and thereupon might make such Order as they might deem expedient. The words in brackets were omitted by the Statute Law Revision Act, 1908.

274. Section 50 of the Local Government Act, 1929, requires the County Council of every County to review the Electoral Divisions of the County and to send a report of the review to the Secretary of State before the 1st of January, 1933, together with proposals for any alterations which they consider desirable; and such proposals are to have effect as if they were a representation made under section 54 of the Act of 1888. The Act of 1929 does not, however, make any provision for alterations in Electoral Divisions otherwise than in connexion with the general review.

Evidence on behalf of the Local Authorities.

275. In the course of our discussions with witnesses on behalf of the Local Authorities, there appeared to be some doubt whether, in the event of a County Council refusing to make a representation in favour of an alteration of Electoral Divisions suggested to them by a District Council, the District Council had any right of appeal to the Secretary of State against the County Council's decision. It was generally agreed by witnesses on behalf of the Local Authorities that there ought to be provision for such a right of appeal.*

* County Councils Association (Dent and Holland), Q. 37,844–9 (XIII, 2360): Association of Municipal Corporations (Darlow), Q. 38,046–8 (XIII, 2377): Urban District Councils Association (Postlethwaite), M. 168 (XIV, 2482), Q. 39,521–3 (XIV, 2483).

Evidence on behalf of the Home Office.

276. We were informed by the Home Office that the Secretary of State was advised that section 54 (2) of the Local Government Act, 1888, conferred on him the power to make an Order without a representation by the Council of a County or Borough, but that neither the Secretary of State nor his predecessors (the Local Government Board and the Minister of Health) had hitherto found it necessary to make an Order under the provision. In practice, any complaints received as to the under-representation of any area were communicated to the County Council with a view to their making a representation if the circumstances rendered such a course desirable. Having regard to the provisions of the sub-section, and of section 50 of the Local Government Act, 1929, the Home Office did not consider that any further legislation was required in the matter.*

Conclusion and Recommendation.

277. It will, we think, be generally agreed that in determining whether a representation should be made for an alteration in the Electoral Divisions of a County, the County Council themselves should not necessarily be the final arbiter. In our view, it is desirable that, in the event of a County Council refusing to make a representation to the Secretary of State in the matter, any District Council aggrieved by the refusal should be entitled to bring the matter before him; and there being some doubt as to the precise effect of sub-section (2) of section 54 of the Local Government Act, 1888, as amended by the Statute Law Revision Act, 1908, we are of opinion that such doubt should be removed by legislation.

278. We accordingly recommend that there should be an express enactment to the effect that the Council of any County District within a County who are aggrieved by a refusal of the County Council to make a representation to the Secretary of State in favour of an alteration of the boundary of any Electoral Division of the County or of the number of County Councillors and Electoral Divisions, or are dissatisfied with any alteration proposed by the County Council, shall have a right of appeal to the Secretary of State, who shall if either party so requests hold an inquiry and may make an Order under section 54 of the Act of 1888.

Section III.—Void Bye-Elections of Town and County Councillors.

279. Section 70 (2) of the Municipal Corporations Act, 1882, provides that " if a municipal election is not held on the appointed day or within the appointed time, or on the day next

* Home Office, Appendix CXIX, M. 144–6 (XIV, 2542).

after that day or the expiration of that time, or becomes void, the Municipal Corporation shall not thereby be dissolved or be disabled from electing, but the High Court may, on motion, grant a mandamus for the election to be held on a day appointed by the Court." That provision is applied to County Council elections by section 75 of the Local Government Act, 1888.

280. Our attention was drawn to the operation of these provisions by the Clerk of a County Council who had recently experienced, for the third time, difficulties in connexion with a bye-election, by reason of the absence of a valid nomination. This had necessitated a motion in the High Court for a mandamus for a fresh election. The costs of the High Court proceedings amounted to £42 16s. 8d.; in addition, there were the costs (£7 7s.) of the County Returning Officer incurred in connexion with the void bye-election, and also the costs of the election (which was a contested one) directed by the mandamus, amounting to £45 5s. 10d. Thus, the whole of the costs payable by the County Council in filling the vacancy amounted to £95 9s. 6d.

281. In view of the expense incurred in the High Court proceedings, it was suggested that we should consider whether the law should be amended so as to enable a County Council to proceed with a fresh election without going to the High Court. The Clerk of the County Council further pointed out that the election must be held by the County Returning Officer within 14 days of receipt of a notice signed by two County electors (Municipal Corporations Act, 1882, section 66); and, while this time might be convenient in an Urban District, it was suggested that it was insufficient in a widely scattered rural Electoral Division, and that this, no doubt, was one of the causes contributing to the recent failure of nomination in the case mentioned.

Evidence of Sir Charles Longmore.

282. We took the opportunity to discuss this question with Sir Charles Longmore when he gave evidence before us on behalf of the Society of Clerks of the Peace of Counties. Sir Charles was of opinion that the period of 14 days within which an election must be held was much too short. As nine clear days' notice of the election must be given by the Returning Officer, and nominations must be made within seven clear days before the fourteenth day, the Returning Officer had to give notice of the election immediately he received notice of the vacancy, and only two or three days were available for candidates to be found and nominated. Sir Charles Longmore therefore suggested that the Returning Officer should be allowed a week in which to give notice of the election, and that he should give 21 days' notice thereof, allowing 14 days for the receipt

of nominations. The whole proceedings would then take a month, instead of a fortnight as at present. He further suggested that the same extended period should be allowed in ordinary elections as well as in those for filling casual vacancies.*

283. If this extended period were allowed, Sir Charles thought that there would be few cases of void bye-elections; but, if for any reason a void bye-election should occur, he saw no reason why a County Council should not be empowered to order a new election themselves, without having to go to the trouble and expense of applying to the High Court for a mandamus. In this connexion, he stated that under the Orders governing the election of Urban and Rural District Councils, the County Council were empowered to order a fresh election.†

Evidence on behalf of the Home Office.

284. We were informed by the Home Office that, so far as County Councils were concerned, there appeared to be comparatively few cases of void elections, and it was suggested that an extension of the times available for making the nominations and holding an election might be a sufficient remedy. In the case of elections to fill vacancies on Urban and Rural District Councils, one month was the period prescribed by the Election Orders within which an election must be held; and the Home Office saw no reason why the same period should not be fixed for County Council elections, instead of 14 days as at present. Further, in the case of County Council elections the period between the posting of the notice of election and the day for nominations may not be more than two days (whether the election is an ordinary or a casual one), whereas in the case of Urban and Rural District Council elections seven days at least must intervene in the case of an ordinary election, and four days in the case of an election to fill a casual vacancy. The Home Office saw no objection to an extension of the two-day period.‡

Conclusion and Recommendation.

285. We are satisfied that the period of fourteen days specified under section 66 of the Municipal Corporations Act, 1882, is too short a period for the filling of a vacancy on a Town Council or a County Council, especially in a rural Electoral Division of a County; and we consider that the time-table should be so amended as to allow four weeks for the completion of the proceedings.

* Society of Clerks of the Peace of Counties (Longmore), Q. 38,376–82 (XIII, 2399–400), Q. 38,386–97 (XIII, 2400).

† Society of Clerks of the Peace of Counties (Longmore), Q. 38,383–5, Q. 38,398–408 (XIII, 2400).

‡ Home Office, Appendix CXIX, M. 160 (XIV, 2513).

We therefore recommend that the time-table should be as follows :—(*a*) within one week of a notification of a vacancy the Returning Officer should publish notice of election; (*b*) nominations should be made within fourteen days after notice; and (*c*) the election should take place seven days after receipt of nominations. Thus the whole procedure would occupy one month.

286. If this extended time were allowed for the election, it appears to us highly probable that fewer void bye-elections would occur : but on such an event occurring we are inclined to doubt whether it is desirable that a Town Council or a County Council should be required to apply to the High Court for a mandamus. We think, therefore, that provision might be made to enable a Town Council or a County Council themselves to make an Order for a new election in the event of a void bye-election occurring.

Section IV.—Date of Urban District Council Elections.

287. The ordinary day of election of Urban District Councillors, Guardians, Rural District Councillors, and Parish Councillors is fixed by the Rules framed for the various elections by the Local Government Board in accordance with section 48 (1) of the Local Government Act, 1894, and is in all cases the first Monday in April (or if that is Easter Monday the last Monday in March) or such other day not being earlier than the preceding Saturday or later than the following Wednesday as may be determined by the County Council.

The above section (and section 12 of the Poor Law Act, 1927, replacing it for Guardians) required that, in order to save expense, the Rules should provide that the polls at elections held at the same date and in the same area should be taken together except where this is impracticable. The Rules accordingly make provision for the polls for Urban District Councillors and for Guardians to be taken together.

Evidence on behalf of the Urban District Councils Association.

288. The Urban District Councils Association submitted that serious administrative difficulties arose in consequence of the elections of Urban District Councils being held in April, and suggested that, whether or not there were any assimilation in other respects of the powers and duties of Urban District Councils with those of Borough Councils, Urban District Councils should in future be elected in November, as in the case of Borough Councils.*

289. Three main reasons were advanced by the Association in support of the suggested change of date. First, as the register

* Urban District Councils Association (Postlethwaite, Abbott, and Dodds), **M. 163** (XI, 2179).

of electors operates from the 15th October, a Borough Council election is held on a new register, while an Urban District Council election is held on a register ten months old.* Secondly, the financial year of an Urban District Council ends on the 31st March, and the estimates for the ensuing year are therefore prepared in February or March by a Council the whole or a considerable portion of whose members retire after the adoption of the estimates and the making of the rate for the ensuing year. Retiring members, it was stated, hesitate to fix a rate, possibly in excess of that for the previous year, immediately before seeking re-election. If the Council were elected in November, the estimates would be prepared by the new Council who were going to spend the money.† Thirdly, difficulties arose in connexion with Joint Boards and Joint Committees representing both Borough and Urban District Councils, as Borough representatives were appointed for a period ending in November, and those of Urban District Councils for a period ending in April. It was suggested that it was obviously desirable that representatives should be appointed for both classes of Authorities at the same time, and should retire together.‡

290. On the first occasion when Mr. Postlethwaite gave evidence on this question, he agreed that a possible objection to an alteration in the date of the Urban District Council elections was the additional expense which would be incurred by having elections for Urban District Councillors and Guardians on different dates§ ; but on a subsequent occasion he submitted that any objection to the Association's proposal so far as Guardians were concerned appeared to be entirely removed by the provisions of the Local Government Act, 1929, under which the Guardians would be abolished.‖

291. Further, Mr. Postlethwaite said that the real point of the Association's proposal was that the elections for Borough Councillors and Urban District Councillors should be on the same day, and that the Association did not care very much whether that day was in April or November. He believed that some Borough Councils would prefer their elections to be in April instead of November, and if that were the general opinion amongst Borough Councils his Association's case would be met by having the elections for both classes of Authority in April.

* Urban District Councils Association (Postlethwaite, Abbott, and Dodds), **M. 165** (*a*), Q. 35,140 (XI, 2179); (Postlethwaite), Q. 39,540 (XIV, 2484).

† Urban District Councils Association (Postlethwaite, Abbott, and Dodds), **M. 165** (*b*) (XI, 2179), Q. 35,140–2 (XI, 2179–80).

‡ Urban District Councils Association (Postlethwaite, Abbott, and Dodds), **M. 165** (*c*) (XI, 2179), Q. 35,142 (XI, 2180); (Postlethwaite), Q. 39,546–53 (XIV, 2484).

§ Urban District Councils Association (Postlethwaite, Abbott, and Dodds), Q. 35,142, Q. 35,152 (XI, 2180).

‖ Urban District Councils Association (Postlethwaite), **M. 177–8** (XIV, 2483), Q. 39,545 (XIV, 2484).

But as the larger populations had their elections in November, he thought that the smaller populations should fall in with them.*

Evidence on behalf of the Home Office.

292. It was explained by the Home Office that the date of election of Urban District Councillors could be changed by an Amending Order of the Secretary of State, to whom the powers of the Minister of Health, as successor of the Local Government Board, were transferred by the Ministry of Health (Registration and Elections : Transfer of Powers) Order, 1921. Legislation would, however, first be necessary to amend section 23 (6) of the Local Government Act, 1894, by which Councillors go out of office on the 15th April.†

293. The Secretary of State realized that in some directions there might be advantage if the election of Urban District Councillors were held in November as proposed, but he felt considerable doubt whether adequate reasons could be adduced for disturbing the present position.‡

294. On the question of the difficulties alleged to arise in connexion with Joint Boards and Joint Committees, we were informed that, according to statistics prepared in 1925 by the Ministry of Health, there were 44 Joint Authorities comprising Urban District Councils and Town Councils, 107 comprising Urban District Councils, Town Councils and other Local Authorities, and 253 comprising Urban District Councils and other Local Authorities, but not Town Councils. Upon these figures, it was suggested that on balance inconvenience would result from the change, unless the members of other Local Authorities were also elected in November.§

295. With regard to the difficulty that was said to arise in the framing of estimates of expenditure by reason of the Councillors retiring in April, the Home Office presumed that somewhat similar conditions would apply in the case of County Councils, whose members are elected in March ; but the Secretary of State was not aware of any proposal that the date for their election should be changed.‖

296. Again, with regard to the register of electors, it was true that that came into force on 15th October, and was therefore not up to date at the time of the April elections, but this was also the case with the County Council elections in March, and no representation had been made as to any difficulty in

* Urban District Councils Association (Postlethwaite), Q. 39,529–36 (XIV, 2483–4), Q. 39,555, Q. 39,559 (XIV, 2485).
† Home Office, Appendix CXIX, **M. 147** (XIV, 2542).
‡ Home Office, Appendix CXIX, **M. 149** (XIV, 2542).
§ Home Office, Appendix CXIX, **M. 150** (XIV, 2542).
‖ Home Office, Appendix CXIX, **M. 151** (XIV, 2542).

their case. The weather conditions were usually more suitable in April than in November, and more electors were likely to vote at a poll held in April. For that reason it had been urged that the elections for Municipal Boroughs should be held in the spring instead of November, and over 100 Borough Councils had passed resolutions in favour of such a change.*

297. The Home Office agreed that the position had been to some extent modified by the Local Government Act, 1929, in that Guardians would no longer be elected, and a change of the date of Urban District Council elections would not now entail additional expense. But, upon a review of all the considerations, the Secretary of State was of opinion that the reasons against the change remained the same, and he was unable to feel that a convincing case had been made out for amending legislation.†

Conclusions and Recommendations.

298. The arguments for and against a change in the date of Urban District Council elections from April to November have been put before us in considerable detail, and are very evenly balanced. If we had to review these considerations in the abstract, we might doubt whether a conclusive case had been made out for a change. Our doubt in the matter is accentuated by the fact that the representative of the Urban District Councils Association, on the second occasion on which he gave evidence on this question, intimated that the Association were not wedded to any particular date, and, while they were inclined to favour November, their main objective was to secure that the elections of Urban District Councils were held at the same time as the elections of Borough Councils, whatever that date might be. The argument for assimilation of dates, in so far as it is based on the co-operation of Urban District Councils and Borough Councils on Joint Boards and Joint Committees, loses force in the light of the statistics furnished by the Home Office, to which we refer in paragraph 294 above.

299. But due weight must be attached to the fact that the Local Authorities directly concerned have urged with some insistence that the date of their election should coincide with the date of the election of Borough Councils. In the absence of any evidence that this would be contrary to public policy, we are inclined, on a review of all the circumstances, to take the view that the wish of the Urban District Councils should be met; and we therefore recommend that the elections for Urban District Councils and the elections for Borough Councils should be held at the same time. It would, however, be desirable that action on this recommendation should be deferred until

* Home Office, Appendix CXIX, M. 152 (XIV, 2543).
† Home Office, Appendix CXIX, M. 153 (XIV, 2543).

after the first general review of County Districts, for which provision is made in section 46 of the Local Government Act, 1929.

Section V.—Election of Parish Councillors.

300. The election of Parish Councillors is governed by the provisions of the Local Government Act, 1894, and the Parish Councillors Election Order, 1901, the effect of which may be briefly stated as follows.

301. The election must be at a Parish Meeting or at a poll consequent thereon. The Chairman of the Parish Council must sign and publish public notice of the Parish Meeting not less than seven clear days before the day for the Meeting.

A nomination paper for each candidate must be signed by two parochial electors, and handed in to the Chairman at the Parish Meeting.

302. When it appears to the Chairman that all the nomination papers have been handed in, and not less than 15 minutes have elapsed since he took the chair, he must state to the Meeting the names of the candidates in the alphabetical order of their surnames. Thereafter, no other nomination papers may be received, except in the case of withdrawals of candidates to the extent of reducing the number of candidates below the number of persons to be elected.

The Chairman must give opportunity for putting questions to such of the candidates as have been duly nominated and are present at the Meeting, and for receiving explanations from them.

303. If the candidates who have been validly nominated are more in number than the persons to be elected, the Chairman must put separately to the Meeting the names of the several candidates in the alphabetical order of their surnames, and must take the votes by show of hands in favour of each candidate.

The Chairman must then state to the Meeting the number of votes given for each candidate, and that, subject to a poll being demanded, he declares to be elected the candidates (up to the total number to be elected) whom he names and who have obtained the largest number of votes.

304. The Chairman must next ask whether a poll is demanded, and must state the conditions under which it will be allowed, namely, that a poll is not to be taken unless either the Chairman of the Meeting assents or a poll is demanded by parochial electors present at the Meeting, not being less than five in number or one-third of those present, whichever number is less. The Meeting may not be closed until 10 minutes have elapsed since the making of such statement.

Evidence on behalf of the Local Authorities.

305. The County Councils Association informed us that some time ago they had come to the conclusion that a universal system of election of Parish Councillors by show of hands was unsatisfactory; and, in this connexion, they referred us to a special report adopted by the Association.* The effect of that report was as follows:—

306. In the great majority of parishes the method of election by show of hands did not present undue difficulties. There were, however, many parishes in which the existing system clearly tended to involve substantial disadvantages, of which the following were suggested as being the most important† :—

(*a*) As nomination papers were not handed in until the Meeting, the electors had no proper opportunity of considering beforehand the merits of the candidates;

(*b*) It was difficult for the electors to remember the names of all the candidates, which need only be announced verbally by the Chairman; and

(*c*) The Chairman could not ascertain with any degree of accuracy whether the persons voting were qualified electors.

307. It was submitted that these disadvantages produced a state of confusion and irregularity which should not obtain at any election. There was, moreover, the further important point that a body elected in so haphazard a manner was unlikely to command that respect without which any Local Authority were unable to attract the most suitable individuals to their service, and were at a disadvantage in pursuing their legitimate functions.‡

308. The following procedure was proposed as an alternative§ :—

(*a*) Nominations to be handed in to the returning officer, say, fourteen days before the date of the Meeting at which the election is to take place; the notice of the Meeting to include a statement as to the submission of nominations, and accordingly to be published about twenty-one days (instead of seven) before the date of the Meeting;

(*b*) The particulars of such nominations (names, addresses, and descriptions of the candidate and his proposer

* County Councils Association (Dent and Holland), **M. 132** (XIII, 2358).
† County Councils Association (Dent and Holland), Appendix CXIV, Statement B, paragraphs **13–5** (XIII, 2372).
‡ County Councils Association (Dent and Holland), Appendix CXIV, Statement B, paragraph **16** (XIII, 2372).
§ County Councils Association (Dent and Holland), Appendix CXIV, Statement B, paragraph **17** (XIII, 2372).

and seconder) to be published at least seven days before, and in the same manner as, the notice of the Parish Meeting;

(*c*) The Chairman of the Parish Meeting to be provided with a copy of the register of parochial electors; and

(*d*) The electors present at the Meeting to be provided with a ballot paper on which the names of the candidates are set out in alphabetical order.

309. It would then, it was suggested, be a comparatively simple matter for each elector to mark his ballot paper without leaving his seat, and subsequently to hand in the paper to the Chairman. Special provision could be made for the marking of papers by blind or illiterate voters by arranging for such voters to come to the Chairman's table and have their papers marked by him.*

310. The papers having been marked and collected, there would next arise the questions of verifying the qualifications of the voters and the counting of the votes. It was suggested that each voter should place on his ballot paper, before it was handed in, his name and address, and that some person should assist the Chairman to check the names and other particulars with the register. As the papers were checked and passed they should be handed over to the persons detailed to count the votes.†

311. It was proposed that the system above described should be regarded only as an alternative for use in special cases. It would, however, be possible for it to be adopted partially in cases where that course was considered to be desirable; for example, the proposal for the submission and publication of nominations prior to the Parish Meeting could be adopted in conjunction with the method of voting by show of hands. The question of the adoption or partial adoption of the new system should, it was suggested, be determined by the County Council, either upon their own initiative or upon representations received from the Parish Council or Parish Meeting concerned, or from not less than ten ratepayers of the parish.‡

312. In discussing these proposals with us, the representatives of the County Councils Association agreed that objection might be taken by voters to putting their names and addresses on the ballot papers, and as an alternative it was suggested that it might be possible to check the electors with the register when they came into the room, or mark them off on the register when they took their ballot papers.§

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* County Councils Association (Dent and Holland), Appendix CXIV, Statement B, paragraphs **17–9** (XIII, 2372).

† County Councils Association (Dent and Holland), Appendix CXIV, Statement B, paragraph **19** (XIII, 2372).

‡ County Councils Association (Dent and Holland), Appendix CXIV, Statement B, paragraph **20** (XIII, 2372).

§ County Councils Association (Dent and Holland), Q. 37,820 (XIII, 2358), Q. 37,838–42 (XIII, 2359).

313. On the question whether the adoption of the proposed scheme would prolong the proceedings at a Parish Meeting, it was admitted that the time required for handing out, marking, and counting ballot papers would be longer than would usually be required for a vote by show of hands; but, on the other hand, the prior publication of nominations would probably diminish the time now occupied by electors in questioning candidates and receiving their replies. The Association did not propose to modify the right to demand a poll; though the adoption of the procedure suggested would probably reduce the number of demands for a poll.*

314. The Rural District Councils Association called attention to the disinclination on the part of some electors to attend the Parish Meeting and vote because of the absence of secrecy, the result being in some cases a small attendance, and in others a difficulty in electing the requisite number of Parish Councillors. The Association suggested that an alternative system of election providing for the nomination of candidates beforehand and the use of a simple form of ballot paper would overcome most of the difficulties. They agreed generally with the scheme of the County Councils Association, but they urged that the procedure should be as simple as possible. In particular, they attached importance to ensuring secrecy, and pointed out that this was not compatible with the suggestion that the voter should put his name and address on the ballot paper.†

315. The National Association of Parish Councils were also in general agreement with the proposals of the County Councils Association, but suggested that where a parish contained an electorate of more than 500, and where the number of candidates exceeded the number of vacancies, a poll should be taken directly, without the formality of a Parish Meeting.‡

Evidence on behalf of the National Council of Social Service.

316. We have referred in the preceding Chapter to inquiries made by the National Council of Social Service, in conjunction with the National Federation of Women's Institutes, into the working of Parish Councils and Parish Meetings. Details were put before us of the results of these inquiries in a number of Counties, so far as the method of election of Parish Councillors was concerned, and we were informed that widespread dissatisfaction existed against election by show of hands.§ The

* County Councils Association (Dent and Holland), Q. 37,828, Q. 37,834–7, Q. 37,842–3, (XIII, 2359), Appendix CXIV, Statement B, paragraph 21 (XIII, 2372–3).

† Rural District Councils Association (Everest), M. 7–9, Q. 39,449–66 (XIV, 2477).

‡ National Association of Parish Councils (Hammond and Oram), M. 5 (XIII, 2300), Q. 36,779–84 (XIII, 2306).

§ National Council of Social Service (Ellis and Ferguson), M. 13–8 (XIII, 2311–2).

National Council were of opinion that Parish Councils had a definite value as organs of local government, and could be made more effective than they were; and that the abolition of the method of election by show of hands, and the substitution for it of a simple method of secret voting, would result in a great increase of public interest and confidence in the Parish Council, and would do more than anything to bring new life into their work.*

317. Captain Ellis and Miss Ferguson, in oral evidence, agreed generally with the scheme of the County Councils Association; but in regard to the proposal that its adoption should be optional they would have preferred to see it made compulsory, even for small parishes, where, they observed, the difficulties attending election by show of hands may be acute.† They believed that under such a scheme a poll would not be demanded so often as in the past; and in this connexion we were informed that in 22 villages covered by their inquiry the result of an election by show of hands had been reversed when a poll was demanded and held.‡

318. Miss Gadesden and the late Mr. Ewing also informed us of instances where candidates who had failed to secure election by a show of hands had demanded a poll and had thereupon been returned.§ Mr. Ewing agreed generally with the scheme of the County Councils Association, except that he objected to the voter putting his name and address on the voting paper.‖ Mr. Pease, on the other hand, had been unable to find any evidence of dissatisfaction with the method of voting by show of hands during his investigations in Cambridgeshire; but he agreed that, if any change in the method of election was to be made, the proposals in the scheme of the County Councils Association were on the right lines.¶

Evidence on behalf of the Home Office.

319. It was pointed out by the Home Office that, as the Local Government Act, 1894, required the election of Parish Councillors to be at a Parish Meeting or at a poll consequent thereon, and the nomination of candidates was part of the election, legislation

* National Council of Social Service (Ellis and Ferguson), M. 26 (XIII, 2313), Q. 36,927 (XIII, 2314).

† National Council of Social Service (Ellis and Ferguson), Q. 36,923–4 (XIII, 2314), Q. 36,950–5 (XIII, 2315).

‡ National Council of Social Service (Ellis and Ferguson), Q. 36,925 (XIII, 2314), M. 14 (XIII, 2311).

§ National Council of Social Service (Gadesden), Q. 37,035 (XIII, 2318); (Ewing), M. 3 (XIII, 2319).

‖ National Council of Social Service (Ewing), Q. 37,102–5, Q. 37,113–4, Q. 37,116 (XIII, 2321).

¶ National Council of Social Service (Pease), Q. 37,166–71 (XIII, 2323).

would be necessary to give effect to the proposals in the scheme of the County Councils Association.*

320. The Home Office were aware that at some Parish Meetings difficulties had been experienced in carrying out the election of Parish Councillors under the present procedure, and, on several occasions since 1921 (when the power of making Rules for the elections became vested in the Secretary of State), the Department had carefully considered the possibility of adopting some other method of taking the votes than by show of hands. The conclusion reached from the examination of the subject had been that no alternative within the existing rule-making powers was available which would not be open to serious criticism.†

321. The Home Office agreed that the recording of the votes at the Parish Meeting by means of voting papers would no doubt in some cases produce more certain results than a show of hands, and so long as the election continued to take place at a Parish Meeting it did not seem that any more suitable scheme than that proposed by the County Councils Association could be suggested as an alternative to the present system.‡

322. The following considerations, however, some of which had been noticed in the course of evidence before us, were mentioned by the Home Office as illustrating some of the difficulties involved in the proposals§ :—

(i) A number of Parish Councils had referred to the absence of rooms or halls with sufficient accommodation, and urged that the Parish Meeting should be dispensed with and the election be held by ballot in the ordinary way.

(ii) The marking of voting papers at a crowded meeting would take a considerable time and probably lead to a good deal of confusion.

(iii) The proposal that the electors should write their names on the voting papers could not, it was presumed, be adopted. It was, however, essential that the persons who recorded their votes should at some stage or another be verified as local government electors from the register.

(iv) While the right of any electors to demand a poll would not be affected by the proposal of the County Councils Association, its exercise would, in practice, be rendered more difficult. The counting of the votes might occupy a considerable time, and probably in the case at any rate of large parishes, the count would have to take place on another day, and this would cause expense.

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* Home Office, Appendix CXIX, M. 154 (XIV, 2543).
† Home Office, Appendix CXIX, M. 155 (XIV, 2543).
‡ Home Office, Appendix CXIX, M. 157 (XIV, 2543).
§ Home Office, Appendix CXIX, M. 158 (XIV, 2543).

(v) Further, if the count was taken on another day, the result of the voting must be published, and a period specified within which a demand for a poll might be made. If a demand for a poll were made, an opportunity should be given to candidates to withdraw, as is given under the present system for the purpose of avoiding the poll.

(vi) This procedure would hardly occupy less than a week.

(vii) On the whole, quite a considerable amount of additional expense might be entailed.

Conclusions and Recommendations.

323. We have come to the conclusion that the method of election of Parish Councillors by show of hands is open to considerable objection; but the foregoing summary of the evidence sufficiently illustrates the difficulties of formulating an alternative. It appears to us that the present procedure might be replaced by a system such as that suggested by the County Councils Association,* simplified, if possible, in the direction indicated by the Rural District Councils Association.† The secrecy of the voting is the fundamental consideration, and for this reason we do not concur in the suggestion that the names of electors should be written on the voting papers in order to ensure that only qualified local government electors vote. In parishes of moderate size we think that the identity of electors might be checked as they enter the room. There is, in our view, no reason to maintain the rule that the result of the election should be declared on the same day. Further, the right to demand a poll should be retained.

324. It is, of course, obvious that the desirability and practicability of adopting this alternative method of election depends in a large measure upon the circumstances of the individual parish; and we consider that it should be put into operation by the County Council in the manner proposed in paragraph 311 above.

325. We doubt, however, whether these proposals will sufficiently meet the requirements of large and populous parishes, where the difficulties of exercising the franchise at a Parish Meeting are of course in many ways accentuated. We think, therefore, that it may be advisable to provide a further alternative, and to arrange that the County Council should be empowered to put the Ballot Act into operation in any parish where they are satisfied that this is desirable.

326. We accordingly recommend that, as alternatives to the present system of election of Parish Councillors by show of

* County Councils Association (Dent and Holland), M. 132 (XIII, 2358), Appendix CXIV, Statement B (XIII, 2371).

† Rural District Councils Association (Everest), M. 7–9 (XIV, 2477).

hands, it should be competent to the County Council, either on their own initiative, or upon a representation from the Parish Council or Parish Meeting or from not less than ten ratepayers of the parish, to make an Order putting into operation either (*a*) a scheme of election on the lines recommended by the County Councils Association with the modifications indicated in paragraph 323 above, or (*b*) the Ballot Act.

Section VI.—Disqualification of Members of Local Authorities.

327. In paragraph 101 of our First Report we have indicated the disqualifications which preclude a person from election or service on the Local Authorities of the several types. We propose in the present Section to refer to one important aspect of this subject which has received particular notice in connexion with the decision in the case of *Lapish* v. *Braithwaite* [1926, A.C. 275], viz., the provisions relating to disqualification by reason of having an interest in any contract with the Council. The effect of that decision is that an Alderman, who is also a shareholder and managing director of companies having current contracts with the Borough Council, if he is paid as managing director by salary and not by commission, is not disqualified for being an Alderman under sections 12 and 14 of the Municipal Corporations Act, 1882, as a person having a share or interest in any contract with the Council.

328. This decision was upheld by the House of Lords; but in giving judgement the Lord Chancellor (Lord Cave) made the following observations :—

> " When in the year 1869 the exception in favour of a shareholder was first enacted, it was no doubt the view of the Legislature that a Council ought not to lose the services of a capable member only because he held a few shares in some company with which the Council desired to enter into contractual relations, and it was probably considered that an interest of that kind would be unlikely to exercise any prejudicial effect on the action of a member in his corporate office. But since that date the practice of forming businesses into limited companies has been greatly extended. There are now many companies in which most or substantially all of the shares are held by one man, who may also be the principal or governing director of the company, so that the business is his business in all but name; and if by reason of the exception in section 12, sub-section (2), such a man can remain a member of a municipal body with which his company is in contractual relations, the section will lose much of its force and value. It is not for your Lordships to suggest the manner in which this danger should

be met, but it appears to me that the Legislature might well consider whether the section should not be strengthened either by extending the disqualification to persons who hold a subtantial proportion of the shares in a contracting company or some other way."

Evidence on behalf of the Local Authorities.

329. The County Councils Association were in agreement with the view expressed by Lord Cave, but they considered that care should be taken to avoid too wide an extension of the present disqualification. So many members of Local Authorities were in these days closely identified with public companies that ill-conceived legislation would debar a considerable number of people from participation in local government, and this was a position that could not be contemplated with equanimity in view of the constantly increasing pressure of local administration. In these circumstances, the Association suggested that the position might be met by a provision to the effect that a person possessing in any company an interest which conferred upon him control over the business of the company should not be a member of a spending Committee upon whose recommendation contracts were entered into by a Local Authority.*

330. In the course of oral examination, reference was made to the inconvenience arising from the slight differences which existed between the disqualification provisions relating to Town Councils and County Councils under the Municipal Corporations Act, 1882, and the Local Government Act, 1888, and those relating to Urban and Rural District Councils and Parish Councils under the Local Government Act, 1894. Sir Edward Holland considered that the same rules ought to be applied to members of all classes of Local Authorities, and should operate whether the member was elected or co-opted. He concurred in the view that the law should be (i) made uniform; (ii) brought up to date; and (iii) made clear without unduly restricting the field from which Local Authorities were elected.†

331. Attention was also called by the County Councils Association to the position of medical practitioners, and it was suggested that there appeared to be some doubt as to the precise legal position of a practitioner who accepted fees for work under section 14 of the Midwives Act, 1918, notifications of infectious disease, or certificates in connexion with school attendance. The Association were of opinion that the growth of the public health service rendered it desirable that there should not be un-

* County Councils Association (Dent and Holland), **M. 139** (XIII, 2362).

† County Councils Association (Dent and Holland), Q. 37,868–77 (XIII, 2362–3), Q. 37,908–9 (XIII, 2364).

necessary obstacles in the way of medical men becoming or remaining members of Local Authorities.*

332. The Association of Municipal Corporations informed us that the subject of the disqualification of a member of a Council by reason of his interest in a contract with his Council had been considered by a Special Committee whose report had been adopted by the Association and was furnished to us.† Giving evidence on behalf of the Association, Sir David Brooks expressed general agreement with the views put before us by the County Councils Association. He was of opinion that the law ought to be strengthened so as not to remove the disqualification in cases where a man was carrying on a business under the aegis of the law relating to a limited liability company.‡ The Association suggested that it was not advisable to alter the law more than was absolutely necessary, and that the following addition to paragraph (*e*) of section 12 (2) of the Municipal Corporations Act, 1882, would meet the position§ :—

> " Provided that the expression ' company ' for the purposes of the construction of paragraph (*e*) of sub-section (2) of this section shall not include a company in which such person holds by himself or his relatives or nominees more than one-third of the issued ordinary shares of such company or a company in which such person is an officer or servant and is remunerated wholly or partly by a commission on or a share of the profits or the trading results of such company;
>
> " The expression ' relative ' means a husband or wife, lineal ancestor or lineal descendant, brother, or sister;
>
> " The expression ' nominee ' means a person in whose name the shares are registered, but who has no beneficial interest in them, and holds them on behalf of another person."

333. The Urban District Councils Association considered it to be in the best interests of local government that no doubts should arise as to the circumstances in which disqualification for office occurred, and were in general agreement with the views expressed by the County Councils Association and the Association of Municipal Corporations.‖

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* County Councils Association (Dent and Holland), **M. 140** (XIII, 2362), Q. 37,887–96 (XIII, 2363).

† Association of Municipal Corporations (Brooks), Appendix CXV (XIV, 2462).

‡ Association of Municipal Corporations (Brooks), Q. 39,196 (XIV, 2459), Q. 39,207 (XIV, 2460).

§ Association of Municipal Corporations (Brooks), Appendix CXV, paragraph 9 (XIV, 2463).

‖ Urban District Councils Association (Postlethwaite), **M. 184**, Q. 39,560–2 (XIV, 2485), Q. 39,571–4 (XIV, 2486).

Evidence on behalf of the Minister of Health.

334. It was stated on behalf of the Minister of Health that the law on the subject of disqualification had been subjected to criticism in the following respects* :—

(i) There were two codes, under the Local Government Act, 1894, and under the Municipal Corporations Act, 1882, respectively, without substantial differences but with small variations;

(ii) The judgement in *Lapish* v. *Braithwaite* showed that a member might have a definite interest in a contract and not be disqualified, because he had no direct personal interest;

(iii) A member was not disqualified merely because he was a shareholder, however large his holding;

(iv) The law as to disqualification for voting (as distinct from disqualification for office) was also defective, particularly in this respect, that, while a shareholder might not vote, there was nothing to prevent an employee of a company from doing so;

(v) Further, the disqualifications for voting did not always apply to voting at Committee, as well as at Council, meetings; and

(vi) Such disqualification might apply only to Councillors and Aldermen and not in terms to co-opted members of Committees.

335. The Minister suggested that the requirements would probably be substantially met if the provisions were made the same for all Local Authorities; and if it were made clear in all cases that any member of a Council or of a Committee of a Council who has pecuniary interest, direct or indirect, in any proceeding of the Council or a Committee should not vote or take part in the matter—this to cover not only shareholders but also directors and persons in the employment of a company and to apply to all members, whether elected or co-opted.†

336. In oral evidence, Sir Arthur Robinson explained that in the Minister's view any extension of the restrictions on membership might produce the undesirable result of excluding from Local Authorities certain elements which it might be well to have there. The Minister was disposed to think that the stress should be laid not so much on membership of the Authority, but on the handling before the Authority of matters in which members were personally interested. It was suggested, therefore, that

* Ministry of Health (Robinson), **M. 747** (XIV, 2537).
† Ministry of Health (Robinson), **M. 748** (XIV, 2537).

there should be a disqualification from voting rather than a disqualification from membership. The Minister thought that it might be undesirable to deal with the matter on the lines suggested by the Association of Municipal Corporations by providing that disqualification should depend on holding one-third of the shares in a company. He was in agreement with the proposal that there should be one code applicable generally to all classes of Local Authorities and Committees thereof and to all members whether elected or co-opted.*

337. With regard to the position of medical practitioners, our attention was drawn to representations which had been received from the British Medical Association, and we were furnished with a copy of correspondence which had passed between the Ministry and the Association.† Sir Arthur Robinson suggested that practitioners who rendered specific services and were remunerated by fees should not be subject to disqualification. On the other hand, a practitioner, who, although in private practice, was rendering continuing service in a specific capacity, for instance, as a Medical Officer of a maternity and child welfare centre, and was therefore in contractual relation with the Local Authority, should be subject to disqualification.‡

Conclusions and Recommendations.

338. The observations of the Lord Chancellor (Lord Cave) in his judgement in the case of *Lapish* v. *Braithwaite* and the evidence summarized above indicate conclusively, in our opinion, the need for an amendment of the law to meet conditions now prevailing. As the Lord Chancellor pointed out, the practice of forming businesses into limited companies has greatly extended; and, in particular, the growth of companies in which one shareholder may have a controlling interest presents difficulties that can scarcely have been contemplated when the Acts of 1882 and 1894 excluded from disqualification certain classes of shareholders. But the precise form which any amending legislation should take will require careful consideration. As general principles we recommend that it would be desirable to amend the law so as—

(*a*) to make it uniform for all classes of Authorities and Committees thereof;

(*b*) to bring it up to date so as to suit modern conditions;

(*c*) to make it clear, so far as it is possible to define the disqualifications without making the code so exclusive as to debar any substantial part of the population from taking part in local government.

* Ministry of Health (Robinson), Q. 40,396–401 (XIV, 2537–8).

† Ministry of Health (Robinson), **M. 751** (XIV, 2537), Appendix CXVIII, (XIV, 2539).

‡ Ministry of Health (Robinson), **M. 749–54** (XIV, 2537), Q. 40,406–16 (XIV, 2538).

339. The last mentioned consideration was emphasized by many witnesses who recognized that, while it is important to strengthen the law to ensure purity of administration, the increase in the number of limited companies has of course resulted in a considerable proportion of the population becoming shareholders, and the disqualification must therefore be so defined that it will not unnecessarily exclude a large number of persons from participation in local government.

340. With this in view, we have carefully considered the alternatives put before us, and have come to the conclusion that the situation would best be met if disqualification were applied to voting rather than to membership. Section 22 of the Municipal Corporations Act, 1882, already provides that "a member of the Council shall not vote or take part in the discussion of any matter before the Council, or a Committee, in which he has, directly or indirectly, by himself or by his partner, any pecuniary interest." This provision applies to Municipal Corporations, and by virtue of section 75 of the Local Government Act, 1888, to County Councils. We think that the prohibition should be extended to cover, without exceptions, shareholders, directors and employees of companies with which the Local Authority may contract; and should be applied to members of all classes of Local Authorities.

341. As regards medical practitioners, we consider that a doctor who is remunerated by fees for specific services rendered under certain Acts need not be disqualified for membership of a Local Authority. On the other hand, a doctor who is rendering not necessarily continuous but continuing service in a specific capacity, such as a Medical Officer at a maternity and child welfare centre, is more clearly in a contractual relation with the Local Authority, and should therefore be disqualified from membership.

342. In conclusion, we desire to refer to the position of co-opted members on Committees of Local Authorities, and we recommend that any disqualifications applicable to elected members should apply also to co-opted members.

Section VII.—Co-option on Committees of Local Authorities.

Evidence on behalf of the Local Authorities.

343. The County Councils Association regarded with some concern the tendency of modern legislation to require that Local Authorities should include as members of their Committees persons who had not been elected in the ordinary way. For example, Education Committees, Mental Deficiency Committees, County Agricultural Committees, and Maternity and Child

Welfare Committees were all the subject of statutory obligations in this respect.*

344. The Association were well aware of the valuable work done by co-opted members, who were usually experts and enthusiasts in the services to which they had allied themselves. It was, however, submitted as being beyond question that the system was open to the disadvantage that such persons had no definite financial responsibility towards the electorate, though it was admitted that in default of the co-option system the services of capable persons who were averse to the publicity inseparable from an election could not be secured.†

345. The Association were of the opinion that interference with the basic principle of local government was not a course to be lightly adopted; and they recommended, therefore, that co-option should be confined to such Committees as were specifically indicated by statute, that it should be strictly limited as to numbers, and that only persons possessing special knowledge and experience should be eligible for appointment.‡

346. In oral evidence, Mr. Dent explained that the Association recognized the necessity for co-option in the case of certain statutory Committees, and he cited the Local Government Act, 1929, in this connexion. But they were strongly averse to any extension of the principle of compulsory co-option on the ordinary Committees of the County Council, though they saw no objection to the County Council having a discretion to co-opt if they thought fit. In no circumstances did the Association think that the number of co-opted members should exceed one-third of the total membership of the Committee, and they were of opinion that whatever disqualifications applied to elected members of Local Authorities should apply equally to co-opted members of Committees.§

347. The Association of Municipal Corporations were opposed to the general principle of the co-option on Committees of a Local Authority of persons who are not members of the Council. They recognized, however, that in some circumstances it might be advisable for Local Authorities to have the power to co-opt members on certain Committees, and the Association therefore did not object to enabling powers being conferred on a Local Authority to appoint co-opted members on Committees, provided‖:—

(*a*) that no obligation was imposed upon them to do so;

* County Councils Association (Dent and Holland), **M. 141** (XIII, 2364).
† County Councils Association (Dent and Holland), **M. 142–3** (XIII, 2364).
‡ County Councils Association (Dent and Holland), **M. 144** (XIII, 2364).
§ County Councils Association (Dent and Holland), Q. 37,908–17 (XIII, 2364), Q. 37,923–32 (XIII, 2365).
‖ Association of Municipal Corporations (Bower), **M. 40–1**, Q. 39,337–8 (XIV, 2470–1).

(*b*) that the exercise of such powers was to be entirely at the discretion of the Local Authority, and for such period as they might deem expedient;

(*c*) that in all cases where members were co-opted on a Committee, the number of co-opted members should not exceed one-third of the total number of members of the Committee; and

(*d*) that all disqualifications applying in the case of an elected Councillor should apply in equal force to a member co-opted on a Committee.

348. The Urban District Councils Association were of opinion that whilst a power to co-opt members on Committees might in certain cases be useful, there was grave objection to an obligation being imposed upon a Local Authority to co-opt members on Committees, particularly where the Committee had any control over expenditure out of the rates.* The Association concurred generally in the views expressed by the County Councils Association and the Association of Municipal Corporations.†

349. The Association referred to the statutory requirements as to co-option in the case of the Education Committee (under the Education Act, 1921, First Schedule, Part I) and the Allotments Committee (under the Allotments Act, 1922, section 14): and, in the latter connexion, Mr. Postlethwaite pointed out that co-option might involve the presence on the Committee of persons who, as tenants of allotments, were interested in contracts with the Committee.‡

350. No evidence on this question was submitted on behalf of the Rural District Councils Association.

Evidence on behalf of the Minister of Health.

351. Sir Arthur Robinson indicated that the views of the Minister of Health were reflected in the provisions of the Local Government Act, 1929, i.e., that there should be a power, but not an obligation, to co-opt members up to one-third of the total membership of the Committee, and that the same disqualifications should apply to elected and co-opted members.§

Conclusions and Recommendations.

352. The principle of co-option on Committees of Local Authorities has recently received fresh sanction at the hands of Parliament in the Local Government Act, 1929; but we wish to

* Urban District Councils Association (Postlethwaite, Abbott, and Dodds), **M. 162** (XI, 2179); (Postlethwaite), **M. 185, M. 188** (XIV, 2486).

† Urban District Councils Association (Postlethwaite), Q. 39,580–4 (XIV, 2486).

‡ Urban District Councils Association (Postlethwaite), **M. 186**, Q. 39,585–94 (XIV, 2486–7).

§ Ministry of Health (Robinson), Q. 40,303–8 (XIV, 2532).

draw attention to the representations made by the Associations of Local Authorities, which reflect their apprehensions of the possible effects of an undue extension of this principle, and their objection to co-option being made compulsory. We think that there is much force in their contention; and, in particular, we agree with the view that a limit should be placed upon the proportion of co-opted members, so that (as in the Local Government Act, 1929) they should not exceed one-third of the total number of the Committee.

353. A special difficulty arises in the case of co-opted members in certain circumstances, e.g., on the Education Committee, where a teacher, being a co-opted member, may be able to vote on the question of his own salary; or on the Allotments Committee, where a tenant as a co-opted member may vote on the fixing of his own rent.

It appears to us important that, as recommended in the preceding Section, co-opted members should be subject to the same disqualifications as elected members in regard to voting on matters affecting their personal interests.

Section VIII.—County Agricultural Committees.

354. Under the Ministry of Agriculture and Fisheries Act, 1919, a County Council must, and a County Borough Council may, set up by scheme a County Agricultural Committee, to which all functions of the Council with regard to agriculture, with the exception of agricultural education, are referred. If the County Council so desire, and the Board of Education consent, agricultural education may also be referred to the County Agricultural Committee, and this has been done in a number of cases.* An important feature of the Agricultural Committee is that the Minister of Agriculture and Fisheries is entitled to appoint not more than one-third of the members of the Committee and any Sub-Committee to which its powers are delegated. The remaining members are appointed by the County Council, some of them being co-opted members.†

Evidence on behalf of the Minister of Agriculture and Fisheries.

355. It was stated in evidence on behalf of the Minister that one of the chief reasons for establishing County Agricultural Committees was the imminence of the Agriculture Act, 1920, which, with the Corn Production Act, 1917, conferred upon the Minister (who had the power of delegating his powers to County Agricultural Committees) a measure of control of cultivation.

* Ministry of Agriculture and Fisheries (Floud), M. 58 (IX, 1838).

† Ministry of Agriculture and Fisheries (Floud), M. 33 (II, 269), Q. 29,573 (IX, 1839).

As, however, these provisions were repealed shortly afterwards, the Agricultural Committees have been left with little or nothing to carry out as agents of the Minister. The Corn Production (Repeal) Act, 1921, does certainly preserve a power to destroy weeds, which has been delegated by the Minister to County Agricultural Committees, but owing to the need for economy very little is done in connexion with this service. In those rare cases where action is taken, the Government supplies the necessary funds, and so exercises complete control over any expenditure that may arise.*

356. The Minister expressed the view that it was certain that County Agricultural Committees would not have been brought into existence if Parliament could have foreseen the repeal of the Corn Production Acts, but he submitted that their abolition at the present time would, on the other hand, almost certainly give rise to greater difficulties than were caused by their continued existence. It was pointed out that the present arrangement provided a means of giving some definite labour representation on the Committees.†

Evidence on behalf of the County Councils Association.

357. The County Councils Association submitted that the main reasons for the enforced establishment of County Agricultural Committees were, so far as the Association were aware, the alleged necessity for Departmental representation during the period of total Government liability for small holdings losses and the provision of machinery for the local administration of Departmental powers under the Corn Production Acts and Part II of the Land Drainage Act, 1918. The Association pointed out that now, however, the liability of the Ministry of Agriculture to contribute towards small holdings losses was limited, so far as new expenditure was concerned, to a percentage of losses on approved schemes within the meaning of section 2 of the Small Holdings and Allotments Act, 1926; that the Corn Production Acts had disappeared (except in so far as they relate to the destruction of injurious weeds); and that the functions of the Ministry of Agriculture under Part II of the Land Drainage Act, 1918, had been transferred to the County and County Borough Councils by the Land Drainage Act, 1926.‡

358. The Association set out a number of other agricultural functions which were exercised by County Councils, and suggested that in none of those cases (except that of injurious

* Ministry of Agriculture and Fisheries (Floud), **M. 34** (II, 269).

† Ministry of Agriculture and Fisheries (Floud), **M. 62** (IX, 1838), Q. 29,605 (IX, 1840).

‡ County Councils Association (Dent, Hinchliffe, and Holland), **M. 24** (X, 1968).

weeds, where the County Agricultural Committees still acted as Departmental agents) was the Ministry of Agriculture more intimately concerned with County administration than were other Government Departments in regard to other County services. The other Departments, however, had made no attempt to prescribe either a uniform pattern of County machinery (save in so far as schemes were necessary for the constitution of Education Committees) or the appointment of Departmental representatives on local Committees.*

359. The Association expressed the view that hybrid Committees invested with executive powers constituted an extensive interference with the basic principles of local government; and they suggested that there was no longer either reason or necessity for the compulsory appointment of such Committees and their statutory Sub-Committees, for the compulsory reference of functions thereto, or for the selection of a proportion of the personnel by the Minister of Agriculture. They were of opinion, therefore, that the freedom which County Councils enjoyed in regard to agricultural administration before the passing of the Ministry of Agriculture and Fisheries Act, 1919, should be restored to them at the first convenient opportunity.†

360. The Association made it clear, however, that the above expression of opinion was not to be interpreted as meaning that they were opposed to the method of dealing with agricultural matters by means of one Committee with appropriate Sub-Committees. It might well be that this type of administrative machinery was suited to the requirements of some areas; and the only points which the Association were concerned to advocate were that the establishment of such Committees should be voluntary, that there should be no necessity for a scheme approved by the Minister of Agriculture, that the Minister should not possess any right to nominate representatives, and that the addition of a limited number of persons of experience in agriculture should be a matter for each individual Authority.‡ Non-members of the County Council should be co-opted by the County Council, instead of being nominated by the Minister.§

361. A further point mentioned by the Association in regard to County Agricultural Committees was that, by section 12 (2) of the Agricultural Holdings Act, 1923, and section 5 (1) (ii) of the Rent and Mortgage Interest (Restrictions) Act, 1920, as amended by section 4 of the Act of 1923, certain powers were

* County Councils Association (Dent, Hinchliffe, and Holland), **M. 25** (X, 1968).

† County Councils Association (Dent, Hinchliffe, and Holland), **M. 26–7** (X, 1968).

‡ County Councils Association (Dent, Hinchliffe, and Holland), **M. 28** (X, 1969).

§ County Councils Association (Dent, Hinchliffe, and Holland), Q. 31,542–4 (X, 1969).

conferred directly upon the Committees. Such a system was, in their view, unconstitutional, as in the opinion of the Association powers should not be conferred otherwise than upon the Local Authority, who might, however, be directed to consider the report of a Committee before acting. It was further suggested that, apart from the unconstitutional aspect of the matter, the system might lead to a deadlock, as County Agricultural Committees were unable to raise a rate to meet their expenses in these matters, and the County Council could presumably refuse to do so. The Association accordingly recommended that such amendments should be made in the existing law as were necessary to transfer to the County Councils the functions above referred to.*

Conclusions and Recommendations.

362. Three points, all of some constitutional importance, emerge from the representations which the County Councils Association have made to us.

363. In the first place, while not opposed to the method of dealing with agricultural matters by means of one Committee with appropriate Sub-Committees, the Association considered that the retention of a statutory obligation upon County Councils to appoint a County Agricultural Committee was unnecessary. Parliament has, of course, in several instances required Local Authorities to appoint Committees for the discharge of particular functions, as indicated in paragraphs 181 to 213 of our First Report. We think it may be said, however, that such a statutory requirement has usually been enacted only when Parliament has been satisfied that there were special reasons for requiring Local Authorities to discharge a particular function through the agency of a special Committee. Such reasons no doubt existed when the establishment of County Agricultural Committees was required under the Act of 1919, as explained in paragraph 355 above. But these reasons have now ceased to operate, and we are of opinion that the appointment of a County Agricultural Committee might be left in the discretion of the County Council.

364. Secondly, the Association objected strongly to the continuance of those provisions under which the Minister of Agriculture and Fisheries is entitled to appoint a proportion of the members of the County Agricultural Committee and any of its Sub-Committees. They regarded this as an interference with the basic principles of local government. We agree that such appointments can only be reconciled with our system of local government where exceptional conditions arise, such as were contemplated at the time of the passing of the Corn Production

* County Councils Association (Dent, Hinchliffe, and Holland), M. 30 (X, 1969).

Act, 1917, and the Agriculture Act, 1920; and as these conditions no longer prevail we consider that the power of the Central Department to appoint members of these Committees ought to lapse.

365. In the third place, the Association regarded as unconstitutional the system under which certain powers were conferred by the Agricultural Holdings Act, 1923, and the Rent and Mortgage Interest (Restrictions) Act, 1920, directly upon County Agricultural Committees, instead of upon the Local Authority. Apart from the question whether this arrangement is foreign to the principles on which local government law has usually proceeded, it is one which may obviously lead to serious practical inconveniences.

366. We therefore recommend that :—

(i) The law should be amended so as to provide that the appointment of County Agricultural Committees should no longer be compulsory, but that County Councils should be empowered to appoint such Committees if they think fit, with power to co-opt persons outside their membership;

(ii) The appointment of members by the Minister of Agriculture and Fisheries should cease;

(iii) If effect is given to the foregoing recommendations, the powers conferred upon County Agricultural Committees by section 12 (2) of the Agricultural Holdings Act, 1923, and section 5 (1) (ii) of the Rent and Mortgage Interest (Restrictions) Act, 1920, as amended by section 4 of the Act of 1923, should be transferred to County Councils.

Section IX.—Number of Committees of Local Authorities.

367. In the course of the examination of the witnesses on behalf of the Institution of Municipal and County Engineers, reference was made to the practice of some Local Authorities of appointing large numbers of Committees. It was realized that certain Committees were appointed as the result of statutory requirement; but Mr. Elford said : "In some towns they have Committees for practically everything, and the Committees very often are more or less water-tight compartments, and there is not the co-operation and co-ordination in the work that makes for the highest efficiency." It was suggested that the "concentration of work within a comparatively limited number of Committees" would lead to more efficient working, and would effect an economy of staff.*

368. The Association of Municipal Corporations were also of opinion that in many instances Local Authorities had an unnecessary number of Committees, each of whom had a staff

* Institution of Municipal and County Engineers (Martin and Elford), M. 18 (XIII, 2446), Q. 39,000–19 (XIII, 2446–7).

directly responsible to them. Such a multiplicity of executive Committees, it was suggested, did not make for good and economic government, and the Association therefore recommended that Local Authorities should scrutinize very carefully their practice and procedure in this matter with a view to a possible reduction in the number of executive Committees and their separate staffs, and the merger of all functions and duties which had a common relationship under one Committee. Giving oral evidence on behalf of the Association, Sir Percival Bower said that the disposition of his own Authority, the Birmingham City Council, whenever new legislation was passed, was to turn in the direction of securing existing Committees to which the duties could be referred rather than to the establishment of new Committees.*

Conclusion.

369. The appointment of Committees for the discharge of particular functions is, of course, a common feature in local government. Except in cases where the establishment of Committees is required by statute—of which the Local Government Act, 1929, is a notable recent example—their appointment is entirely in the discretion of the Local Authority, and we make no recommendation on the point; but we think it well to refer to the fact that representatives both of Local Authorities and of Local Government Officers expressed the view that there is a tendency on the part of some Local Authorities to appoint an unnecessary number of Committees.

Section X.—Appointment of Chairmen of Urban District Councils.

370. Under Rule 3 of the First Schedule to the Public Health Act, 1875, as applied to Urban District Councils by section 59 of the Local Government Act, 1894, an Urban District Council are from time to time at their annual meeting (which under Rule 11 of the same Schedule is to be held as soon as may be convenient after the 15th April in each year) to appoint either one of their number or someone from outside the Council to be Chairman *for one year* at all meetings at which he is present. Under Rule 7 of the same Schedule, every question at a meeting is to be decided by a majority of the votes of members present and voting on that question, and under Rule 8, in case of an equal division of votes, the Chairman is to have a second or casting vote.

Evidence on behalf of the Urban District Councils Association.

371. The Urban District Councils Association stated that a number of difficulties arose from the above provisions. It was,

* Association of Municipal Corporations (Bower), M. 28–31, Q. 39,310–1 (XIV, 2468–9).

of course, to be expected that there would be differences of opinion as regards the appointment of the Chairman of an Urban District Council, and the Association stated that in some cases serious difficulties had occurred where the members had been equally divided as to the person to be appointed, and the casting vote of the presiding Chairman under Rule 8 had turned the scale. Difficulties also arose in connexion with the use of the words " for one year " which appeared in Rule 3 of the First Schedule to the Public Health Act, 1875.*

372. Particular reference was made to the decision in the case of *Rex* v. *Rowlands* [1910, 2 K.B. 930], in which the outgoing Chairman of an Urban District Council had been elected from amongst the Councillors who retired together triennially. The Divisional Court held that the newly elected members had the right at their first meeting to appoint a temporary Chairman to preside over the election of a Chairman for the ensuing year, and that the outgoing Chairman, whether re-elected or not, had no right as such outgoing Chairman to take the chair and preside over the election of his successor, even though the calendar year from the date of his election as Chairman of the Council had not expired.†

373. The Association explained that the position was different as regards Boroughs, as, under section 15 (3) of the Municipal Corporations Act, 1882, it was provided that the term of office of the Mayor should be one year, " but he shall continue in office until his successor has accepted office and made and subscribed the required declaration." The Association, therefore, urged that, in order to remove the difficulties above referred to, express provision should be made similar to that contained in the Municipal Corporations Act, 1882, by which a Chairman remains in office until his successor is appointed.‡

Conclusion and Recommendation.

374. It appears to us that the present provisions relating to the appointment of Chairmen of Urban District Councils have in practice led to unnecessary difficulties, and in order that these may be obviated, we recommend that the appointment of Chairmen of Urban District Councils should be regulated by provisions similar to those contained in section 15 (3) of the Municipal Corporations Act, 1882, under which a Chairman remains in office until his successor is appointed.

* Urban District Councils Association (Postlethwaite), M. 212, M. 218 (XIV, 2493).

† Urban District Councils Association (Postlethwaite), M. 217 (XIV, 2493).

‡ Urban District Councils Association (Postlethwaite), M. 219, M. 221, Q. 39,714–20 (XIV, 2493–4).

Section XI.—Grants to Chairmen of Urban and Rural District Councils.

Evidence on behalf of the Urban District Councils Association.

375. The Urban District Councils Association pointed out that another distinction which existed between Boroughs and Urban Districts was as regards the payment of a grant to the Chairman. Under section 15 (4) of the Municipal Corporations Act, 1882, a Mayor of a Borough may receive such remuneration as the Council think reasonable. The Association were of opinion that in any future legislation dealing with the Public Health Acts provision should be made authorizing expenditure by Urban District Councils, not exceeding an appropriate limited sum in any year, for purposes such as those for which grants are made to Mayors of Boroughs.*

Evidence on behalf of the Minister of Health.

376. Sir Arthur Robinson, on behalf of the Minister of Health, agreed that in the case of a large Urban District the Chairman of the Council might have to incur considerable expense in entertaining, and he saw no reason why the Chairman of an Urban District Council should not be put in the same position in this respect as the Mayor of a Borough.†

Conclusion and Recommendation.

377. We are of opinion that the differences between the circumstances in many Boroughs and Urban Districts, particularly the larger Districts, are not such as to justify a continuance of the difference between the powers of the two classes of Authorities to make an allowance to the Chairman of the Council. We therefore recommend that the provisions of section 15 (4) of the Municipal Corporations Act, 1882, should be extended so as to enable an Urban District Council to grant an allowance to the Chairman of the Council, and we think that the same power might be conferred on a Rural District Council.

PART III.—LOCAL GOVERNMENT OFFICERS.

Section I.—Introductory.

378. In the course of our three Reports we have discussed many questions arising in regard to the constitution, areas and functions of Local Authorities. If the law provides for the

* Urban District Councils Association (Postlethwaite), M. 223, Q. 39,721–2 (XIV, 2494).

† Ministry of Health (Robinson), Q. 40,296–302 (XIV, 2531–2).

proper constitution of the Authorities, a satisfactory organization of areas, and a rational distribution of functions, the conditions precedent for good local government will in a considerable measure have been assured. But the successful working of the system will depend in at least an equal degree upon the members of the Authorities and their staffs. The selection of members of the Local Authorities is in the hands of the local government electors, who, fortunately, in most areas have at their disposal the services of competent, public-spirited citizens; and we do not propose to comment on this matter beyond drawing attention to the responsibility of local government electors in the exercise of their franchise, bearing in mind the increasing measure in which the activities of Local Authorities affect the well-being of the community.

379. With regard to the staffs of the Local Authorities, our experience as members of the Commission has been sufficient to assure us that many Authorities have at their command the services of officers of great ability and experience. In recent years, however, Parliament has greatly multiplied the responsibilities of Local Authorities; and the importance of securing highly efficient staffs has, in our view, assumed a special significance. We have, therefore, had under consideration the issue whether the right type of officer is generally to be found in the pivotal positions in local administration, and whether the work is so organized as to facilitate the effective discharge of the responsibilities which devolve upon the principal officers. In this Part of our Report we shall accordingly refer to some aspects of these questions, in relation to the recruitment and qualifications of officers, their tenure of office, and the organization of staffs, with particular reference to the position of the Clerk of the Local Authority.

380. Any proposals as to local government officers, to be of practical value, must have due regard to the fundamental principles on which local government has developed in this country, the conditions under which Local Authorities act, and the possibility, politically and administratively, of modifying those conditions. Thus, for reasons which we shall particularize in the appropriate Sections, the analogy which has been drawn between local government officers and the national Civil Service, and the suggestion that the chief executive official might be an officer analogous to the Town Manager as found in some States of America, are found to break down when they are applied to the structure of English local government. In particular, it is to be observed that the autonomy of Local Authorities with regard to the appointment of their own officers is a jealously guarded privilege; and, within proper limits, this is a valuable element in local government. The recruitment and the conditions of service of these officers should, we think, primarily be the care of the Local Authorities, whose officers

they are. On the other hand, to ensure that the service secures the best recruits, and that their appointment and tenure of office should not be prejudicially affected by any circumstances attending changes in the membership of the elected Authorities, we are of opinion that certain general principles should be observed by all Local Authorities. With these considerations in mind, we proceed to review in detail certain questions that have come under our notice.

Section II.—Recruitment.

381. As a preliminary to considering how Local Authorities should recruit their staffs, it is important to bear in mind what types of officers they require, having regard to the manner in which Local Authorities generally do their work. Their powers and duties are closely defined by statute. Their executive acts proceed from decisions embodied in resolutions, and it is in pursuance of these resolutions that the servants of the Local Authorities take action. Moreover, many members of Local Authorities themselves undertake administrative work. The Local Authority, therefore, require primarily to have at their disposal efficient technical advisers, a subordinate clerical staff, and a relatively small proportion of administrative officers.

382. In paragraphs 214 to 238 of our First Report, we referred to the appointment of officers by Local Authorities, and there explained that the general effect of the law is to give Authorities a full discretion to appoint such officers as they please, though a few specified appointments must be made. Generally, there is no statutory provision as to the qualifications of the officers to be appointed, save in the case of Medical Officers of Health, and, with some reservations, of Sanitary Inspectors.

Evidence on behalf of the National Association of Local Government Officers.

383. The National Association of Local Government Officers criticized the existing methods of recruitment, and expressed the view that in the past they had been entirely lacking in uniformity, and that many undesirable influences had been evident, such as patronage, parochialism, political influence, and absence of qualifications. They also deprecated the appointment of part-time officers, whether technical or administrative.*

384. The Association objected to the introduction from outside of articled pupils. Such pupils should either be taken from the service, or, if they come from outside, should enter low down

* National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 15, M. 18** (VIII, 1665), Q. 28,058–227 (VIII, 1669–74), Q. 28,275–301 (VIII, 1676–7).

in the scale.† While agreeing that University graduates would be valuable recruits to the service, they considered that posts should not be earmarked for them.‡

385. The following remedies were proposed by the Association :—

(*a*) A minimum age and a minimum standard of education should be established for all fresh entrants.§ In this connexion, they complained that Local Authorities had hitherto been apathetic in regard to training and the recognition of adequate qualifications, and that at present anyone could get into the service.‖ They did not propose a national competitive examination, but they urged that there should be a national standard, and they were prepared to agree that the Local Authorities should themselves select a standard.¶ The Association appreciated the different conditions applying to the local government service and the national Civil Service, though they advocated a national local government service for purposes of grading.**

(*b*) Secondly, the Association proposed for officers already in the service examinations of an intermediate and final grade. The witnesses were not, however, explicit as to the extent to which they recommended that the passing of these examinations should be treated as an efficiency bar in connexion with promotion.††

386. To carry out this scheme, they proposed the establishment of an Examinations Board, consisting of representatives of the National Association of Local Government Officers and of the Associations of Local Authorities.‡‡

Evidence on behalf of other Associations of Local Government Officers.

387. The Society of Clerks of the Peace of Counties were of opinion that the Clerk to the County Council should be recruited

† National Association of Local Government Officers (Johnson, Abbott, and Hill), Q. 28,325 (VIII, 1678), Q. 28,341–68 (VIII, 1679–80).

‡ National Association of Local Government Officers (Johnson, Abbott, and Hill), Q. 28,365–72 (VIII, 1680–1), Q. 28,456–89 (VIII, 1684–6), Q. 28,508–15 (VIII, 1687).

§ National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 3** (VIII, 1663), **M. 9** (VIII, 1663–4), Q. 28,062–4 (VIII, 1669).

‖ National Association of Local Government Officers (Johnson, Abbott, and Hill), Q. 28,493 (VIII, 1686), Q. 28,589 (VIII, 1691).

¶ National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 9** (VIII, 1663–4), Q. 28,420–40 (VIII, 1683–4), Q. 28,451–2 (VIII, 1684), Q. 28,534 (VIII, 1688), Q. 28,627 (VIII, 1693).

** National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 19** (VIII, 1665), Q. 28,679–81 (VIII, 1695–6).

†† National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 11** (VIII, 1664), Q. 28,608–15 (VIII, 1692).

‡‡ National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 12** (VIII, 1664), Q. 28,664–8 (VIII, 1695).

from one of the branches of the legal profession, as although he was to a considerable extent an administrative officer, legal knowledge and training were necessary to enable him to discharge his duties satisfactorily.* In oral evidence, Sir Charles Longmore expressed doubt whether there was any place in the local government service for the University graduate of the type that normally entered the administrative side of the Civil Service. In his view, it was essential that the graduate should have some technical training before entering the local government service.†

388. The Society of Town Clerks considered that legal qualifications were essential for a Town Clerk, and were satisfied with the present methods of recruitment. Candidates suitable by training and experience for the post of Town Clerk were normally secured either by transfer from other Authorities or by promotion from within the office. The Society favoured the introduction of University graduates, but pointed out that as legal qualifications were also necessary, such men must necessarily come in at a later age than non-graduates, and difficulties would therefore arise in giving them an adequate commencing salary.‡

389. The Society of Clerks to Urban District Councils suggested that a legal qualification was desirable, but not essential, for a Clerk to an Urban District Council. The Society approved the method of selection of Clerks after advertisement, as in filling the post of Clerk there was need generally of an experienced man; and they therefore suggested that the system of transfer should be continued and encouraged. They considered that the introduction of University graduates presented difficulties, as so many of the smaller Councils employed only part-time Clerks with comparatively small offices.§

390. The Union and Rural District Clerks' Association expressed themselves as satisfied on the whole with the existing methods of recruitment. In most cases the higher officials of Rural Distict Councils held qualifications from recognized bodies, in law, accountancy, engineering or medicine; but where no such qualification existed, the Association thought that candidates should possess a certificate from a suitable Examinations Board.¶

391. The Association of Local Government Financial Officers recommended the matriculation standard as a minimum qualification for entry, to counteract the prevailing practice which,

* Society of Clerks of the Peace of Counties (Longmore), M. 18 (XIII, 2394).

† Society of Clerks of the Peace of Counties (Longmore), Q. 38,335–55 (XIII, 2397–8).

‡ Society of Town Clerks (Jarratt), M. 42–3, Q. 38,219–33 (XIII, 2389–90).

§ Society of Clerks to Urban District Councils (Abbott, Porcher, and Linfield), M. 6–7 (XIII, 2349), M. 11–3, Q. 37,735–59 (XIII, 2353–4).

¶ Union and Rural District Clerks' Association (Everest), M. 12 (XIII, 2402).

they said, was to admit insufficiently educated boys who remained in the service without making any attempt to qualify for higher posts.*

392. The Institute of Municipal Treasurers and Accountants drew attention to the qualifying examinations organized by the Institute. They were in favour of a requirement that all entrants into the financial branch of the local government service should have passed a recognized examination; and they considered that the passing of the Institute's examinations should improve the prospects of promotion. The witnesses quoted cases of University men who had entered the service, and though not fully effective for a year or two, had afterwards amply justified their appointment.†

393. The Institution of Municipal and County Engineers gave another example of qualifying examinations organized by a vocational body. They were in favour of articled pupilage, and of the introduction of University men with technical degrees.‡

394. The Society of Medical Officers of Health explained the statutory requirements as to qualifications of Medical Officers, and thought that Local Authorities exercised great care in recruiting such officers. They proposed, however, that the requirements of the Sanitary Officers Order of 1926 as to submission of particulars to the Minister and advertisement should apply to the appointment of all Medical Officers, irrespective of whether they received part of their salary from the Exchequer or not.§

395. The Sanitary Inspectors' Association explained the extent to which qualifications were prescribed by statute where half the salary of the Inspector was paid from Exchequer funds, and stated that on the part of some Local Authorities there was still a reluctance to appoint a properly qualified man as Sanitary Inspector.¶

396. The Association of Directors and Secretaries for Education expressed the view that recruits for these posts should combine University training, teaching experience, and evidence of administrative ability. They laid stress upon the importance of teaching experience, which, of course, militated against the

* Association of Local Government Financial Officers (Lloyd and Henderson), **M. 15** (XIII, 2335), Q. 37,425–9 (XIII, 2335–6).

† Institute of Municipal Treasurers and Accountants (Johnson and Bateson), **M. 4** (XIV, 2498), **M. 6–9**, Q. 39,768–809 (XIV, 2499–500).

‡ Institution of Municipal and County Engineers (Martin and Elford), **M. 7** (XIII, 2442), **M. 15**, Q. 38,962–79 (XIII, 2444–5).

§ Society of Medical Officers of Health (Fenton), **M. 2** (XIII, 2405), **M. 9** (XIII, 2407), Q. 38,515 (XIII, 2411).

¶ Sanitary Inspectors' Association (Spears and Topping), **M. 11–9**, Q. 37,469–94 (XIII, 2339–40), **M. 30** (XIII, 2343).

appointment of a graduate immediately on leaving the University.*

Evidence on behalf of the Local Authorities.

397. The County Councils Association indicated (1) that while a minimum standard of education was desirable for junior entrants into the local government service they considered that the question of recruitment should be left to the discretion of individual Local Authorities; and (2) that they were opposed to the passing of examinations, whether organized under the N.A.L.G.O. scheme or otherwise, being made a condition of promotion. In the course of oral evidence, Sir Edward Holland agreed that there would be some advantage in the preparation of a list of recognized examinations for first entrants. In the Association's view there was no opening for University men without special training, but they would welcome more entrants with good qualifications.†

398. The Association of Municipal Corporations agreed with the County Councils Association on points (1) and (2) above. Sir Percival Bower suggested that great difficulties attended the establishment of definite minimum standards for junior entrants, because not only did the requirements of different Authorities vary, but within the same Authority the educational requirements of different departments also differed widely. He was opposed to laying down a hard and fast standard of examination, and considered that the examination system was overdone. The witness strongly repudiated the suggestion that patronage operated in the making of appointments.‡

399. The Urban District Councils Association suggested that Local Authorities could be trusted properly to exercise the discretion given to them by statute in regard to the engagement of their officers, and explained that the larger Urban District Councils generally insisted on some qualifying examination for first entrants. Mr. Postlethwaite was prepared to accept the N.A.L.G.O. examinations in common with those of other bodies. He was in favour of recruitment also from pupils articled to Clerks of Local Authorities.§

400. No evidence on the question of local government officers was submitted on behalf of the Rural District Councils Association.

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* Association of Directors and Secretaries for Education (Allen, Gater, Boyce, Toyne, and Holland), **M. 6**, Q. 39,927–48 (XIV, 2512–4).

† County Councils Association (Dent and Holland), **M. 148–9**, Q. 37,937–40, Q. 37,944, Q. 37,960 (XIII, 2365–7).

‡ Association of Municipal Corporations (Bower), **M. 33–5**, Q. 39,312–36 (XIV, 2469–70).

§ Urban District Councils Association (Postlethwaite), **M. 208** (XIV, 2490), Q. 39,673–88 (XIV, 2491–2), Q. 39,701–9 (XIV, 2492–3).

Evidence of Mr. E. D. Simon, Mr. Graham Wallas, and Mr. W. A. Robson.

401. Mr. E. D. Simon, speaking from his experience as Lord Mayor of Manchester, emphasized the vital importance of securing able, honest and independent head officials both for the Council as a whole and for individual Committees. He said that " while it is relatively easy to get good technicians, lawyers, doctors, engineers or architects, it is a matter of the utmost difficulty to find administrative ability of the highest quality, that is to say, men capable of filling the position of head officials of the great Committees on first-class lines."* He believed that the best chance of producing the combination of qualities needed for these posts lay in a suitable University education; and he accordingly suggested that every large City ought, each year, to engage four or five men from a University, in suitable departments, such as the legal, financial, education and public health departments.† Mr. Simon deprecated the present system under which professional men were given nearly all the posts, and advocated the creation of a first-class municipal civil service.‡

402. Mr. Graham Wallas recommended the appointment of a Departmental Committee to consider the question of recruiting local government officers in view of the many problems created or revealed by the Local Government Act, 1929.§ He expressed the view that the creation of larger administrative and electoral areas, together with the " increase of the population of England, its increasing industrialization and urbanization, and the technical complexity of modern administrative problems, has inevitably tended to substitute as the basis of administrative decisions the systematically acquired knowledge of paid officials for the casually acquired acquaintance with local facts of Vestrymen, Guardians, and even District and Municipal Councillors."‖ He condemned the practice of selection of junior entrants after advertisement, and urged an impersonal selection by examination free from personal and political influence.¶ He considered the system of articles undesirable.** Mr. Graham Wallas suggested that Local Authorities should combine to hold examinations, which should be graded to correspond with the school leaving ages.†† He also advocated an alteration in the

* Simon, **M. 4** (XI, 2208).
† Simon, **M. 5–10** (XI, 2208–9), Q. 35,722–7 (XI, 2210).
‡ Simon, Q, 35,746–8 (XI. 2211).
§ Graham Wallas, **M. 2, M. 5** (XIII, 2414), Q. 38,567 (XIII, 2416).
‖ Graham Wallas, **M. 6** (XIII, 2414), Q. 38,580–91 (XIII, 2417–8).
¶ Graham Wallas, **M. 10–3** (XIII, 2415), Q. 38,594–601 (XIII, 2418–9), Q. 38,644–6 (XIII, 2420–1),
** Graham Wallas, **M. 13** (XIII, 2415), Q. 38,666–7 (XIII, 2421).
†† Graham Wallas, **M. 14–6** (XIII, 2416), Q. 38,668–77 (XIII, 2421), Q. 38,697–701 (XIII, 2422–3).

nature of the control exercised by the Central Authority over certain appointments.* There would be a place for University men in the re-organized service which Mr. Graham Wallas contemplated.† In conclusion, he considered that the present system of recruitment was fraught with great danger of corruption, and that action should be taken at once to remove the appointment of local government officers from personal, political and sectional influences.‡

403. Mr. Robson regarded the present situation as unsatisfactory. He suggested that "hardly anything in the nature of a systematic effort has been made by Local Authorities, either singly or collectively, to secure a high general level of efficiency, administrative ability and trained mental capacity in their officers."§ He considered that patronage was widespread, with resultant inefficiency in the service, and deplored the absence of a regular supply of candidates with a University education.‖ In the recruitment of local government officers, there was neither an impartial tribunal nor a minimum standard of qualification.¶ In oral evidence, Mr. Robson stated that within his knowledge there were five or six Local Authorities where a large proportion of the staff were relatives or friends of the local Councillors. This was put forward as a random sample in support of the suggestion that widespread patronage prevailed.** He was opposed to the system of articled pupils, because it involved the making of private profit in intitiating newcomers into the conduct of municipal affairs.††

404. Mr. Robson's proposals for remedying the present position started with the basic consideration that there were certain grades of officers common to all Local Authorities, though he agreed that in local government the staffs did not constitute a single service like the Civil Service.‡‡ His proposals included (*a*) provision for the recruitment of University graduates, particularly in the case of the larger towns and the County Councils§§; and (*b*) a series of qualifying competitive examinations for the general grades of clerical and administrative officers to be conducted by local Personnel Commissions for regional areas.¶¶ Mr. Robson suggested that the examinations should

* Graham Wallas, **M. 18–9** (XIII, 2416), Q. 38,702–8 (XIII, 2423).
† Graham Wallas, **M. 14** (XIII, 2416), Q. 38,670–95 (XIII, 2421–2).
‡ Graham Wallas, **M. 21** (XIII, 2416), Q. 38,710–4 (XIII, 2423).
§ Robson, **M. 14** (XIII, 2426).
‖ Robson, **M. 15** (XIII, 2426), **M. 29** (XIII, 2430).
¶ Robson, **M. 16** (XIII, 2426).
** Robson, Q. 38,747–74 (XIII, 2427–8).
†† Robson, **M. 20–1**, Q. 38,781–8 (XIII, 2429).
‡‡ Robson, Q. 38,733 (XIII, 2426), Q. 38,745 (XIII, 2427).
§§ Robson, Q. 38,733–42 (XIII, 2426–7), **M. 27** (XIII, 2430), Q. 38,789–822 (XIII, 2430–2).
¶¶ Robson, **M. 30–4** (XIII, 2432).

be based on the three main stages in the educational system. The first grade would be a matriculation standard for junior entrants, with a minimum age of 16; the second at 18 or 19, the leaving age for secondary and public schools; and the last at 21 to 25 years of age, i.e., University grade.* Mr. Robson admitted, however, that the necessity for a competitive examination in the case of the last-mentioned stage was not so strong as in the other stages, at any rate for the present.†

Evidence on behalf of the Appointments Boards of the Universities of Oxford, Cambridge, and London.

405. The representatives of the University Appointments Boards suggested that the principal difficulty attending the entrance of University candidates into the local government service was the absence of information as to vacancies available and conditions of service; and Mr. Peters (Oxford) went so far as to say that the facilities for entry were practically non-existent. If some centralized arrangements could be made to inform the various University Appointments Boards of particulars concerning the opportunities offered by the local government service, and to apprise them of the vacancies arising, the witnesses believed that in the course of time a regular supply of University candidates would be forthcoming.‡

406. Mr. Roberts (Cambridge) in the course of his evidence argued against the system of premiums for articled pupils as restricting the field of candidates for the public service in a way which he suggested was contrary to the public interest.§

Evidence on behalf of the Minister of Health.

407. Giving evidence on behalf of the Minister of Health, Sir Arthur Robinson expressed the view that the question of recruitment of Local Authorities' staff was becoming extremely important, and a matter on which there ought perhaps to be a special inquiry. He indicated the Minister's willingness to appoint a Departmental Committee to go into the whole question.‖

Conclusions and Recommendations.

408. It will be apparent from the foregoing summary of the evidence that several questions of major importance have

* Robson, **M. 35–6** (XIII, 2432).

† Robson, **M. 37** (XIII, 2433).

‡ Oxford University Appointments Committee (Peters), **M. 2–3** (XIII, 2450), Q. 39,066–70 (XIII, 2451): Cambridge University Appointments Board (Roberts), **M. 3** (XIII, 2452), Q. 39,100–16 (XIII, 2453–4): London University Appointments Board (Mellor), **M. 8** (XIII, 2456), Q. 39,186–9 (XIII, 2457).

§ Cambridge University Appointments Board (Roberts), **M. 9–10** (XIII, 2453), Q. 39,142–60 (XIII, 2454–5).

‖ Ministry of Health (Robinson), Q. 40,309–10 (XIV, 2532).

emerged on which there is a divergence of opinion among competent observers. The main issue is whether the present system of recruiting local government officers is satisfactory, in which connexion the following controversial questions have been raised: whether inefficient or unsuitable persons secure appointment; whether appointments are made as the result of political, personal or sectional influences; and whether it is necessary to impose a less personal method of selection, by providing that appointments should in future be made exclusively as the result of qualifying or competitive examinations.

409. On the subject of examinations, again, two important considerations are involved. As regards many of the technical officers, it will have been observed from the evidence that several of the vocational Associations have themselves set up examinations, the passing of which indicates a standard of technical qualification of undoubted value in the selection of candidates for technical posts; but the question arises whether the possession of such qualifications should be made a statutory requirement in connexion with such posts.

On the other hand, as regards clerical and administrative staff, the question has been raised whether there should be a minimum standard for all entrants, and, if so, what standard. It is obviously impossible to require one uniform standard for all departments and for all Local Authorities. In this connexion, we would again draw attention to an important difference which exists between the officers of Local Authorities and the Civil Service. The adoption of uniform standards, and of certain stereotyped forms of examination for all entrants into the Civil Service, is found to be desirable and practicable because there is considerable similarity in the organization of Government Departments, their staffs are transferable, and the expenses of all are paid from one source, viz., the Exchequer. But in the local government service each Local Authority are their own paymaster; and, therefore, each Local Authority claim independence in the selection of their officers.

410. On two further points there is a cleavage of opinion in regard to recruitment. The first is that of articled pupilage, and the second the appointment of University graduates. As regards articled pupils, we are not satisfied that it is necessary to interfere with the system, so long as the arrangements are approved by the Local Authority concerned.

411. As regards the appointment of University graduates, the evidence has revealed a consensus of opinion that such candidates would be valuable recruits to the local government service, but views have differed as to the need for other technical qualifications. It appears, however, that there is no organized effort to obtain such recruits, or to remove the undoubted difficulties which exist in the way of bringing persons of 23 or 24 years of age into the service.

412. One conclusion, we think, emerges quite clearly from the evidence given by witnesses approaching this subject from very different angles: it is at least open to question whether the present methods of recruitment are calculated to ensure that Local Authorities shall have at their disposal officers of the type needed to assist them in the discharge of the increasing responsibilities which Parliament is year by year laying upon them. The considerations indicated in paragraph 408 above reveal some of the questions which arise; and we consider that adequate answers can only be given as the result of a much more detailed investigation than has been possible by this Commission.

413. We are glad to note that the Minister of Health viewed with sympathy the suggestion which was put before us for the appointment of a Departmental Committee on the recruitment of local government officers. We are of opinion that the appointment of such a Committee is the first necessary step towards the solution of the problems which have undoubtedly emerged from our investigation, and we therefore recommend that a Departmental Committee should be appointed to inquire into the recruitment of local government officers.

Section III.—Promotion and Transfer.

Evidence on behalf of Associations of Local Government Officers.

414. The National Association of Local Government Officers were of opinion that whenever possible the higher posts in the service of a Local Authority should be filled either by promotion from within the service of that Authority or by transfer from the service of another Authority. Further, they considered that all junior entrants should be encouraged to study for appropriate professional or technical examinations, and that greater opportunities should exist for the transfer of officers from one department to another in the service of the same Local Authority.*

415. The Institute of Municipal Treasurers and Accountants considered that the increasing work of Local Authorities during the last few years had resulted in the chances of promotion among Financial Officers being relatively good. Such promotion was aided by transfer from one Authority to another, and there was a marked tendency among Selection Committees to give preference to men who had had experience in the service of two or three different Authorities.†

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* National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 9** (*b*) (*c*) (VIII, 1664), **M. 18** (iv) (v) (VIII, 1665), Q. 28,089–91 (VIII, 1670), Q. 28,320–2 (VIII, 1678), Q. 28,326–32 (VIII, 1678–9), Q.28, 440–50 (VIII, 1684), Q. 28,545–86 (VIII, 1688–90), Q. 28,615 (VIII, 1692).

† Institute of Municipal Treasurers and Accountants (Johnson and Bateson), **M. 8** (XIV, 2499), **M. 23** (XIV, 2504).

416. The Institution of Municipal and County Engineers expressed themselves as definitely against any system which would restrict transfer between Authorities. They regarded experience in different districts as extremely valuable, and considered that everything possible, including the establishment of compulsory superannuation schemes, should be done to encourage transfer from the service of one Authority to another.*

417. The Sanitary Inspectors' Association called attention to the absence of any system of transfer from the service of one Authority to another, except so far as transfers might occur as the result of successful applications for vacancies; but they had no suggestions to offer as an alternative, and agreed that the present arrangements seemed to work satisfactorily.†

Evidence on behalf of the Local Authorities.

418. Sir Percival Bower, giving evidence on behalf of the Association of Municipal Corporations, stated that the Association were opposed to the passing of examinations, whether organized under the N.A.L.G.O. scheme or otherwise, being made a condition of promotion. He added that it was the practice of the Birmingham City Council to encourage their staff to sit for examinations of a character likely to be helpful in the administrative side of their work, and to reward the successful candidates with either a gift of £25 or £50, or a definite increment of salary. He was, however, of opinion that the passing of examinations could become "an absolute fetish."‡

419. Mr. Postlethwaite, in the course of his evidence on behalf of the Urban District Councils Association, stated that his Council encouraged their staff to sit for examinations after entering the service. His Council did not offer any financial inducement to successful candidates, but they had a better chance of promotion. He did not share Sir Percival Bower's view that examinations were overdone.§

Evidence of Mr. W. A. Robson.

420. Mr. Robson was in favour of the transfer of officers from the service of one Authority to another, and suggested that an indispensable condition for the encouragement of such transfers was the establishment of a uniform superannuation scheme.¶

* Institution of Municipal and County Engineers (Martin and Elford), **M. 16** (XIII, 2445).

† Sanitary Inspectors' Association (Spears and Topping), **M. 48**, Q. 37,630–2 (XIII, 2347).

‡ Association of Municipal Corporations (Bower), **M. 34** (XIV, 2469), Q. 39,318–36 (XIV, 2470).

§ Urban District Councils Association (Postlethwaite), Q. 39,675–88 (XIV, 2491–2).

¶ Robson, **M. 73** (XIII, 2440).

Conclusion.

421. As regards the promotion of officers within the service of individual Authorities, we do not think that any points have emerged from the evidence which call for comment. Local Authorities will not fail to realize the importance of reasonable prospects of promotion, if they are to attract and retain capable men and women in their service. The other means by which local government officers may seek to improve their position is by transfer from the service of one Authority to another. The extension of this practice would result in a higher percentage of officials being men and women of varied experience; and this pooling of experience would, in our view, be of advantage both to the individual and to the Authority. We are of opinion, therefore, that the local government service would benefit if the facilities for interchangeability were enlarged. This, however, depends upon the more general adoption of a uniform scheme of superannuation, to which reference was made by the Departmental Committee on the Superannuation of Local Government Employees, who reported in 1928. That is a subject which, for reasons already indicated, we have not investigated, but it is not out of place to point out that since the Departmental Committee reported in favour of compulsory superannuation, the subject has become more urgent owing to the impending transfer under the Local Government Act, 1929, to the Councils of Counties and County Boroughs, of a number of officers who are now subject to the provisions of the Poor Law Officers Superannuation Act, 1896.

Section IV.—Office Organization and Position of Clerk to the Local Authority.

Evidence on behalf of the National Association of Local Government Officers.

422. The National Association of Local Government Officers suggested that "successful local government administration can be attained only by complete co-ordination of the various departmental activities," and that one of the problems requiring consideration was the "position and future of the highly-qualified administrator, irrespective of professional qualifications."* Mr. Hill explained that what the Association had in mind was that "in the new future which probably lies before us in local government, with bigger areas we might find room for the qualified administrator of a type that you have in the Civil Service—an administrator as distinct from a lawyer or an engineer," or "a sort of composite figure between the American Town Manager and the German Burgomaster." Such a man would need to

* National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 18** (VIII, 1665).

have a ready grasp of the financial position of the Authority, and be able to visualize the policy as a whole and dovetail the activities of all the departments. He need not necessarily be a lawyer, but a good knowledge of the law would be essential for him in his co-ordinating work.* Mr. Johnson, on the other hand, thought that the chief officer of a Local Authority must be a lawyer, in view of the increasing complexities of modern legislation.†

Evidence on behalf of other Associations of Local Government Officers.

423. The Society of Clerks of the Peace of Counties were of opinion that the Clerk of the County Council, whether or not the office was separated from that of Clerk of the Peace, should be a member of one of the branches of the legal profession.‡ On the subject of the relation of the Clerk with other officers of the County Council, the general experience of the Society was that the existing relations were amicable, and that so far as County Clerks of the Peace were concerned no problems existed. While the Clerk should be recognized as the head of the County Council's administration, whose duty it was to co-ordinate the whole work of the Council, this should not be regarded as preventing other chief officials from reporting direct to the Council.§

424. Mr. Jarratt, on behalf of the Society of Town Clerks, expressed the view that it was almost essential for the Town Clerk of any Borough, whether large or small, to have legal qualifications.‖ The Society were of opinion that it was necessary for one officer of the Council to be recognized as the head of the administration responsible for co-ordinating the work of all the departments, and that the Town Clerk was " in a peculiarly favourable position to act as the link, the consultant and the co-ordinator in respect of all " Committees, Chairmen and departmental officers. No officer corresponding to the general manager of a commercial undertaking or to a Burgomaster in Germany or a Town Manager in America would, it was suggested, fit in with the traditions of English local government or be acceptable to English municipalities.¶

425. The Society of Clerks to Urban District Councils were of opinion that the Clerk to the Council should be definitely

* National Association of Local Government Officers (Johnson, Abbott, and Hill), Q. 28,375–419 (VIII, 1681–3).

† National Association of Local Government Officers (Johnson, Abbott, and Hill), Q. 28,240–3 (VIII, 1675), Q. 28,410 (VIII, 1683).

‡ Society of Clerks of the Peace of Counties (Longmore), **M. 18** (XIII, 2394), Q. 38,331–2 (XIII, 2397).

§ Society of Clerks of the Peace of Counties (Longmore), **M. 20** (XIII, 2395), Q. 38,356–63 (XIII, 2398).

‖ Society of Town Clerks (Jarratt), Q. 38,147–68 (VIII, 2385–6).

¶ Society of Town Clerks (Jarratt), **M. 17–41**, Q. 38,176–218 (XIII, 2386–9).

recognized and appointed as the chief executive and administrative officer of the Council. The Society agreed that it would be improper for a Clerk to criticize or interfere with a technical officer in carrying out the technical duties assigned to him; but they emphasized the view that unless there was a general supervision and control by one officer, backed by the necessary authority, the standard of administration must inevitably suffer.*

426. The Union and Rural District Clerks' Association suggested that the organization of work in a Council office should not be on too rigid lines; but they agreed that the Clerk should occupy a position equivalent to that of a managing director, and that the technical staff should be under his general directions except in regard to the technical side of their work.†

427. The Association of Local Government Financial Officers suggested that a population of 10,000 was sufficient to warrant the establishment by a Local Authority of a separate finance department under a Chief Financial Officer, and they objected strongly to the practice followed by many Authorities of appointing a Bank Manager as Treasurer.‡ The Association expressed the view that the Chief Financial Officer should be independent of the Clerk, and should have free access to every Standing Committee of the Council; and they took particular exception to any arrangement by which the Chief Financial Officer was required to act under the direction and supervision of the Clerk. They did not consider it necessary for the Clerk to have any responsibility with regard to the staff or accommodation required by the Chief Financial Officer, although they admitted that the Clerk should have a general survey over all the work of the Council.§ The Association objected to any appointment in the nature of a Head Administrator or Town Manager.¶

428. The Institute of Municipal Treasurers and Accountants also objected to the appointment of a Town Manager, and were of opinion that the best interests of Local Authorities would be served by the maintenance of the present system under which the Town Clerk is invariably regarded as the senior chief official

* Society of Clerks to Urban District Councils (Abbott, Porcher, and Linfield), Q. 37,654–61 (XIII, 2349), **M. 14–5** (XIII, 2354), Q. 37,767 (XIII, 2355).

† Union and Rural District Clerks' Association (Everest), **M. 13** (XIII, 2402).

‡ Association of Local Government Financial Officers (Lloyd and Henderson), Q. 37,245, **M. 8–12** (XIII, 2328), Q. 37,321–8 (XIII, 2331).

§ Association of Local Government Financial Officers (Lloyd and Henderson), **M. 11** (XIII, 2328), Q. 37,340–1 (XIII, 2332), Q. 37,387–406 (XIII, 2334), **M. 16** (XIII, 2335), Q, 37,445–6 (XIII, 2336), Q. 37,454–5 (XIII, 2337).

¶ Association of Local Government Financial Officers (Lloyd and Henderson), **M. 16** (XIII, 2335).

of the Local Authority for the purpose of securing efficient co-operation between all the chief officials of the Local Authority.*

429. The Institution of Municipal and County Engineers were fully alive to the necessity of co-ordination of the work of the different departments of a Local Authority. They considered the Clerk to be the proper person to secure this co-ordination, and they regarded it as essential that the Clerk should be a lawyer. The creation of any position equivalent to that of Town Manager they considered to be unnecessary, undesirable, and, under the present form of local government, impracticable.†

430. The Society of Medical Officers of Health were prepared to recognize the Clerk as the principal officer of the Council, but they did not consider that he should have any authority over other chief officers of departments.‡ The Society did not think it possible that the position of Medical Officer of Health could be held by a person who had no medical training, or that the introduction of the Town Manager system was possible in this country.§

431. The Sanitary Inspectors' Association suggested that in many districts the direct responsibility of the Sanitary Inspector to the Authority appointing him no longer held good, because he was debarred from submitting reports to his Authority as required by statute, the expression "acting under the general directions" being interpreted as meaning that he was completely subservient to the Medical Officer of Health.‖ The Association regarded the Clerk as the principal officer of a Local Authority, but suggested that any detailed control of the organization of the public health department by the Clerk would not be productive of greater efficiency.¶

Evidence on behalf of the Local Authorities.

432. The County Councils Association considered it essential that the Clerk of the County Council should be recognized as the head of the Council's organization responsible for the supervision of all departments of the Council's work. They did not concur in the view expressed on behalf of the Association of

* Institute of Municipal Treasurers and Accountants (Johnson and Bateson), **M. 22** (XIV, 2506).

† Institution of Municipal and County Engineers (Martin and Elford), Q. 38,993 (XIII, 2445), **M. 17** (XIII, 2446), Q. 38,999 (XIII, 2446), **M. 19–22**, Q. 39,020–30 (XIII, 2447–8).

‡ Society of Medical Officers of Health (Fenton), **M. 38-40** (XIII, 2410), Q. 38,549–50 (XIII, 2412–3).

§ Society of Medical Officers of Health (Fenton), **M. 28–30** (XIII, 2409), **M. 41–2** (XIII, 2410), Q. 38,545 (XIII, 2412), Q. 38,556–7 (XIII, 2413).

‖ Sanitary Inspectors' Association (Spears and Topping), **M. 35** (XIII, 2344), Q. 37,561–601 (XIII, 2344–5).

¶ Sanitary Inspectors' Association (Spears and Topping), **M. 41** (XIII, 2344), Q. 37,605–7 (XIII, 2346).

Local Government Financial Officers that the Chief Financial Officer should be independent of the Clerk, though they saw no objection to the Chief Financial Officer reporting direct to the Finance Committee.*

433. The Association of Municipal Corporations were definitely of opinion that any appointment similar to that of a managing director of a large business or a Town Manager would be most undesirable and subversive of the democratic system of local government in this country.† They were, however, of opinion that where greater co-ordination between officers is desirable, or indeed required, this should be sought through the Town Clerk, who was already universally recognized as the chief officer of the Corporation. Further, they held the view that a legal training was of distinct advantage to a Town Clerk.‡

Evidence of Mr. E. D. Simon, Mr. Graham Wallas, and Mr. W. A. Robson.

434. Mr. Simon said that, as a result of correspondence and discussions, he had found a good deal of agreement with the view that a legal training was not necessarily the best for the position of head official of a Municipality. He suggested that a man trained in the office of head administrator would, even though he had no legal training, necessarily acquire a general knowledge of the law governing municipal administration, and that this should be quite sufficient for his purpose.§ Mr. Simon therefore favoured the appointment of a head official, who might or might not have legal qualifications, but whose duty would be to co-ordinate the work of all the departments of the Council, somewhat on the lines of a City Manager in America or a Burgomaster in Germany. Further, Mr. Simon suggested that for certain other departments, e.g., public health and education, there was a great deal to be said for having a layman as the head administrative officer.‖

435. Mr. Graham Wallas agreed with the view expressed by Mr. Simon that there ought to be a wider choice for the chief administrative officer of a great department than was provided by a single profession.¶

* County Councils Association (Dent and Holland), Q. 37,971–84 (XIII, 2368).

† Association of Municipal Corporations (Bower), **M. 18–23**, Q. 39,300–3 (XIV, 2468).

‡ Association of Municipal Corporations (Bower), **M. 24–7**, Q. 39,304–9 (XIV, 2468).

§ Simon, **M. 11–2** (XI, 2209).

‖ Simon, **M. 12** (XI, 2209), Q.35,795–813 (XI, 2213).

¶ Wallas, Q. 38,625–8 (XIII, 2420).

436. Mr. Robson took the view that the Town Clerk must be the chief administrator of a Local Authority, and that in the case of the smaller Authorities it was not possible to separate the posts of chief administrator and legal adviser. In such cases, therefore, the Town Clerk must necessarily have legal qualifications. But in the case of the larger Authorities, Mr. Robson advocated that the posts of chief administrator and legal adviser should be separated, and that the Town Clerk, as chief administrator, should be chosen from a wider field, and not necessarily from candidates already in the local government service.* Mr. Robson dissented from the suggestion that the Town Clerk might be replaced by an officer analogous to the City Manager in America, as the conditions in the two countries were entirely different.†

Evidence on behalf of the Minister of Health.

437. Sir Arthur Robinson, giving evidence on behalf of the Minister of Health, considered that in the case of the smaller Authority, who must have a legal department and could not afford to have a large establishment, there was the strongest argument of convenience why the Town Clerk should be the head of the legal department, and should therefore have legal qualifications. But in the case of the very large Local Authorities, i.e., those of the largest County Boroughs or the largest Counties, where in any event they must have a large legal department, and where the Clerk had so much general work to do that someone else did the legal work, the witness doubted whether it was essential that the Clerk should possess legal qualifications. He suggested that to make it a fixed rule that in every case the Clerk should be a person of legal attainments might result in debarring the largest class of Authority from securing the services of a man of administrative experience and administrative ability which might be very valuable in those cases.‡

438. As regards the position of the Clerk in relation to other officers, Sir Arthur Robinson agreed with the view that the Clerk " should be the permanent head of the office, should co-ordinate the whole thing, and be responsible to the Council for the proper working of the whole organization ". He thought that the Clerk should have a surveying eye on the whole of the work of the Council; and further amplified his view by saying that " there was a sphere for the professional officer which was a distinctly professional sphere, in which the Clerk as the general administrator would not interfere, but where a professional

* Robson, **M. 44–7** (XIII, 2434), Q. 38,835–58 (XIII, 2434–5), **M. 48–52** (XIII, 2435–6), Q. 38,859–60 (XIII, 2436), **M. 53–5** (XIII, 2436), Q. 38,861–72 (XIII, 2436–7), **M. 56–63** (XIII, 2437–8), Q. 38,873–906 (XIII, 2438–9).

† Robson, **M. 52** (XIII, 2435), Q. 38,872 (XIII, 2437).

‡ Ministry of Health (Robinson), Q. 40,337–8 (XIV, 2534), Q. 40,343–68 (XIV, 2534–5).

sphere impinges on the general sphere of policy of the Council, then the Clerk comes in."*

In this connexion, he drew our attention to a letter addressed by the Minister to the British Medical Association, in which reference was made to the position of the Clerk as follows† :—

> " (1) The work of a Local Authority consists of various elements constituting a whole with reference to which the policy of the Authority is framed.
>
> " (2) In order to frame that policy, it is necessary for the Authority to study these elements in their relations with each other.
>
> " (3) To assist it in this process, it requires the services of an officer able to view the work of departments as a whole and to bring them into proper relation with each other.
>
> " (4) This officer can be no other than the Clerk to the Authority.
>
> " (5) The facts stated under the foregoing heads do not, either in principle or in practice, in any way involve the assignment to the Clerk of any functions which properly belong to the Medical Officer of Health or any other professional officer appointed by the Council.
>
> " (6) It follows from these facts that official correspondence between the Local Authority and the Ministry should be conducted, on the side of the Authority, through the Clerk, a clear distinction being drawn between such official correspondence and semi-official correspondence between professional officers of the Authority and of the Department on professional points, whether as a preliminary to the framing of the policy of the Council or otherwise."

Conclusions.

439. With regard to the position of the Clerk in relation to the other officers of a Local Authority, we are disposed to think that the difficulties in actual practice are not so acute as might be inferred from the divergent views expressed in the evidence. At the same time, we must record our opinion that some of the technical officers have claimed a degree of independence which should not be conceded. It is, in our judgement, imperative that one officer of the Council should be in a position to survey the various activities of the Authority, and to secure that they are properly focussed and co-ordinated, with reasonable uniformity and continuity. The most suitable officer to

* Ministry of Health (Robinson), **M. 414–5** (IX, 1800–1), Q. 29,288–9 (IX, 801), Q. 40,372–89 (XIV, 2535–6).

† Ministry of Health (Robinson), Q. 40,369 (XIV, 2535).

undertake this responsibility is the Clerk, and we have been unable to satisfy ourselves that the administrative machinery of local government could be worked on any other basis.

440. This principle is, however, quite consistent with some of the suggestions advanced on behalf of the technical officers. For example, the Clerk need not, and should not, interfere with the technical staff on technical questions; and in particular the responsibility of the Chief Financial Officer for financial administration should be clearly recognized; further, technical officers should not be debarred from direct access to the Committees of the Council. The questions arising on such points become largely academic, once the principles are established that the Clerk must be kept informed of the activities of the various departments, and of the reports which the chief officers thereof make to the Council or Committees; that the Clerk is responsible for seeing that proper co-operation exists between the various departments, and for advising the Council thereon; and that the Clerk is the channel through which the Authority conduct official correspondence.

441. We may sum up our conclusion by saying that in our opinion the Clerk to the Council must be the principal officer of a Local Authority and responsible for securing co-ordination between the several departments.

442. The success of the Clerk in discharging this function will obviously depend largely on his personality and the relations which he establishes with the other chief officers of the Council. But there has been considerable discussion on the question whether the Clerk should necessarily have legal qualifications. In the majority of cases Local Authorities select their Clerks from persons so qualified. Many Authorities of moderate size find it necessary to combine the duties of Clerk and legal adviser; and we think that, generally speaking, the balance of convenience points to the selection of a Clerk with legal qualifications. We have come to this conclusion with two reservations. In the first place, we are aware that many Authorities are efficiently served by lay Clerks. Secondly, very large Authorities are able to provide for a qualified legal adviser on their staff other than the Clerk, and therefore need not require that the Clerk should have legal qualifications. In these cases it would, in our view, be regrettable if such a requirement were maintained to the exclusion of candidates who might bring into the service of an Authority administrative abilities of a high order.

Section V.—Offices of Clerk of the Peace and Clerk of the County Council.

Evidence on behalf of the County Councils Association.

443. The County Councils Association directed our attention to what they considered to be an outstanding anomaly of the

present law, namely, that a County Council had no authority to appoint their own Clerk, but had to accept the person appointed by the Standing Joint Committee to the office of Clerk of the Peace. A further anomaly, it was suggested, arose from the fact that the person so appointed enjoyed a freehold office (save where he had elected to accept the provisions of the Local Government and Other Officers' Superannuation Act, 1922), and could not be deprived thereof on any other ground than that of misdemeaning himself in the execution of his office.*

444. We were informed that this matter had engaged the attention of the Association over a period of years, but that recently, as the result of special efforts, a satisfactory solution of the difficulty had been found and embodied in a draft Bill which had been accepted by all the interested bodies, namely, the County Councils, the Standing Joint Committees, Quarter Sessions, and the Clerks themselves. The Association asked us to endorse the proposals contained therein.†

445. The Association explained that the draft Bill represented above all else an agreement (involving concessions on both sides) between the Association and the Society of Clerks of the Peace of Counties, and that the Association had therefore decided, as they were in honour bound to do, that, in the event of Parliament insisting upon any amendments contrary to the agreement, the Bill should be immediately withdrawn.‡

446. The effect of the agreement embodied in the draft Bill is to provide that in any future appointments the County Council shall appoint their own Clerk at a salary and emoluments to be fixed by them with the approval of the Home Secretary. In making such an appointment, however, the County Council are to have due regard to the fitness of the person so appointed to perform, if need be, the duties appertaining to the office of Clerk of the Peace, for which purpose the County Council are to ascertain the views of the Chairman of Quarter Sessions. With the consent of a Committee consisting of the representatives of Quarter Sessions on the Standing Joint Committee, a Clerk of a County Council so appointed is to become Clerk of the Peace at an additional salary to be fixed by the County Council with the approval of the Home Secretary; or, if the Committee withhold consent, Quarter Sessions may make a separate appointment to the office of Clerk of the Peace. Clerks of the Peace and Clerks of County Councils are to be subject to retirement at 65; and a Clerk of a County Council may be dismissed by a County Council with the approval of the Home Secretary. Special provision is made as regards existing appointments. The

* County Councils Association (Dent and Holland), **M. 145** (XIII, 2365).
† County Councils Association (Dent and Holland), **M. 146** (XIII, 2365), Appendix CXIV, Statement C (XIII, 2373).
‡ County Councils Association (Dent and Holland), **M. 147** (XIII, 2365).

draft Bill also contains certain subsidiary provisions, the most important of which proposes to modify the present position under which the staff of the Clerk of the Peace and County Council are legally his personal employees.*

Evidence on behalf of the Society of Clerks of the Peace of Counties.

447. The Society of Clerks of the Peace of Counties traced the history of the events which had led up to the agreement with the County Councils Association, and fully concurred in the evidence submitted on behalf of the Association.† The Society urged the desirability of preserving, so far as possible, the position under which the offices of Clerk of the Peace and Clerk of the County Council are held by the same person.‡

Conclusion and Recommendation.

448. When every allowance has been made for the historical development of the combination of the offices of Clerk of the Peace and Clerk of the County Council, and for the practical convenience of the arrangement in certain cases, we think that the time has come to modify the anomalous position under which a County Council have no authority to appoint their own Clerk, but must accept the person appointed by the Standing Joint Committee as Clerk of the Peace, who moreover virtually enjoys a freehold office, unless he has elected to accept the provisions of the Local Government and Other Officers' Superannuation Act, 1922, in which case he can be required to retire at 65.

449. We are glad to observe that the parties concerned have reached agreement in regard to the manner in which the law should be amended, and that the Associations representing the County Councils and the Clerks of the Peace have drafted an agreed Bill for this purpose. We understand that Your Majesty's late Government were prepared to adopt such a Bill or find time for its passage through Parliament as a Private Bill.

We recommend that legislation should proceed on the lines of the agreed Bill.

Section VI.—Security of Tenure.

450. Speaking generally, the termination of the appointment of a local government officer rests in the discretion of the Local

* County Councils Association (Dent and Holland), Appendix CXIV, Statement C (XIII, 2373).

† Society of Clerks of the Peace of Counties (Longmore), M. 1–12 (XIII, 2393–4), M. 23 (XIII, 2395), Q. 38,287–93 (XIII, 2395), Q. 38,302–14 (XIII, 2395–6).

‡ Society of Clerks of the Peace of Counties (Longmore), M. 13–5 (XIII, 2394), Q. 38,315–30 (XIII, 2396–7).

Authority employing him. This, however, is subject to a requirement in a limited number of cases that the concurrence of a Central Department is necessary before the officer can be removed. Particular reference was made in the evidence to the following provisions :—

(1) The *Housing, Town Planning, etc. Act*, 1909, section 68 (5) provides that a County Medical Officer of Health is only removable with the consent of the Minister of Health.

(2) Under the *Public Health (Officers) Act*, 1921, the following officers are removable only with the consent of the Minister of Health :—

(i) Whole-time Medical Officers of Health (*a*) of a County Borough where any part of the salary was paid from Exchequer funds before it became a County Borough ; (*b*) of any County District where any part of the salary is paid out of the County Fund and charged to the Exchequer contribution account.

(ii) Sanitary Inspectors who are whole-time officers in whose case the provisions in (*a*) and (*b*) above apply. If a Local Authority appoint more than one Sanitary Inspector, these safeguards operate in the case of the senior Inspector only.

(3) The *Ministry of Transport Act*, 1919, provides that a Surveyor or Engineer is only removable with the consent of the Minister of Transport where, under an agreement made with the Local Authority in pursuance of section 17 (2) of that Act, half the salary and establishment charges of the officer is defrayed by the Minister.

Evidence on behalf of the National Association of Local Government Officers.

451. The National Association of Local Government Officers referred to the limited number of cases in which security of tenure is ensured through the right of appeal to the Central Department, whose concurrence is required before the dismissal of the officer in question can be carried into effect; and they contended that there were other local government officers whose duty brought them into conflict with private and vested interests, and that some measure of security of tenure of office was essential in such cases. They accordingly urged that there should be an appeal to a Central Department against the decision of the Local Authority.* They agreed, however, that the relations between an officer who was reinstated by the Central Department and the Local Authority against whose decision he had successfully appealed would, in practice, be impossible. The

* National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 22** (VIII, 1666), Q. 28,703–5 (VIII, 1697).

Association suggested that instances of victimization or unjust dismissal were to be found in a higher percentage among the smaller Authorities. The number of serious cases was admitted to be very small, but they urged that there should be security of tenure for all principal officers, on the ground that, although cases of actual dismissal might be few, there was a large number of cases where local government officers were uneasy in mind through the atmosphere of uncertainty in which they continued to carry on their duties.*

Evidence on behalf of other Associations of Local Government Officers.

452. The Society of Town Clerks took the view that public opinion and the opinion of municipalities would probably be against any attempt to interfere further with the discretion of the Local Authority in regard to the dismissal of their officers. The witness said that they could not press against such views for anything more than they had at present, and that they would be satisfied with a provision that the dismissal of an officer should only become effective if passed by a substantial majority (say four-fifths) of the Council.†

453. The Society of Clerks to Urban District Councils stated that victimization might occur as a result of advice given by the Clerk to his Council, and he might be in the position of having either to obey orders which he knew to be illegal, or to incur risk of dismissal as the price of disobedience. They therefore asked for the same protection as that enjoyed by Medical Officers of Health and Sanitary Inspectors. They stated that very few cases of wrongful dismissal arose; but urged that the existence of a right of appeal to the Central Department would prevent these occurring. They suggested, however, that the danger of wrongful dismissal was increasing.‡

454. The Union and Rural District Clerks' Association sought the same security of tenure as is now accorded to Medical Officers of Health and Sanitary Inspectors. Mr. Everest said that cases still occurred where Councils dispensed with the services of the Clerk for reasons which would not justify an application to the Central Department for permission to terminate the services of a Medical Officer of Health or Sanitary Inspector, and a right of appeal was necessary to restore confidence. He considered that there might still be victimization, even if the dismissal could only be effective with a three-quarters majority of the Council; and he

* National Association of Local Government Officers (Johnson, Abbott, and Hill), Q. 28,706–58 (VIII, 1697–9)

† Society of Town Clerks (Jarratt), **M. 48–52**, Q. 38,234–54 (XIII, 2390–2).

‡ Society of Clerks to Urban District Councils (Abbott, Porcher, and Linfield), **M. 8–10**, Q. 37,689–734 (XIII, 2350–3).

considered that it might be necessary to provide that a dismissal should not be permitted within twelve months of an election. Questioned as to the actual number of cases of wrongful dismissal within the knowledge of the Association, Mr. Everest said that there were about two a year of a character which would not have occurred had there been a right of appeal, but there were very many more cases in which threat of dismissal unsettled the Clerks and prejudiced their work. He added that trouble arose particularly in cases where an incoming Council were inclined to victimize the Clerk for carrying out the orders of their predecessors in office.¶

455. The Association of Local Government Financial Officers represented that there should be a right of appeal to the Minister of Health against any notice of dismissal. They expressed a desire for security of tenure, but they did not press the point strongly.*

456. The Institution of Municipal and County Engineers referred to the measure of protection at present accorded to Surveyors and Engineers in cases where the Minister of Transport makes a contribution towards the salary; and they asked for the same security as is now provided for Medical Officers of Health and Chief Constables. They admitted, however, that there were few cases of great hardship.†

457. The Society of Medical Officers of Health explained the statutory position regulating the security of tenure at present enjoyed by Medical Officers of Health. They pointed out, however, that there were 42 County Boroughs where the Medical Officer of Health did not enjoy this protection, and they urged that security of tenure should be accorded to all Medical Officers of Health irrespective of the limiting conditions which at present operate.‡

458. The Sanitary Inspectors' Association explained the provisions mentioned above in regard to the existing security of tenure accorded to Sanitary Inspectors. They said that there were few cases of improper discharge, but a large number of cases of victimization; and they urged that the approval of the Minister of Health should be required to the dismissal of any Sanitary Inspector.§

¶ Union and Rural District Clerks' Association (Everest), **M. 10** (XIII, 2402), Q. 38,445–66 (XIII, 2403–4).

* Association of Local Government Financial Officers (Lloyd and Henderson), **M. 12** (*d*) (XIII, 2328), Q. 37,417–24 (XIII, 2335).

† Institution of Municipal and County Engineers (Martin and Elford), **M. 12**, Q. 38,943–61 (XIII, 2443).

‡ Society of Medical Officers of Health (Fenton), **M. 2–3** (XIII, 2405–6), Q. 38,512 (XIII, 2411).

§ Sanitary Inspectors' Association (Spears and Topping), **M. 20–3**, Q. 37,505–9 (XIII, 2340–1).

Evidence on behalf of the Local Authorities.

459. The Association of Municipal Corporations considered that there was reasonable security of tenure subject to satisfactory service, that cases of harsh treatment were of infrequent occurrence, and that any right of appeal to a Central Authority would be a serious encroachment on the established rights of Local Authorities to control their own staffs, and, moreover, might tend to impair the good relations between Local Authorities and their officers. Sir Percival Bower said in evidence that the Association were satisfied that the relations between the chief officers, in particular, and their employers were such as to call for no interference whatever.‖

460. The Urban District Councils Association indicated that they would resist any attempt to control still further the discretion of Local Authorities as regards their officers and servants.¶

Evidence of Mr. W. A. Robson.

461. Mr. Robson took the view that local government officers should enjoy the same degree of security of tenure as Civil Servants. He realized that in law there was no security of tenure in the Civil Service, but that in practice there was an almost complete security.*

Evidence on behalf of the Minister of Health.

462. It was pointed out, on behalf of the Minister of Health, that objection could be raised in principle to the intrusion of an outside Authority between a Local Authority and the members of their staff, but that the principle was already qualified in that the Minister of Health had certain powers in regard particularly to the dismissal of Medical Officers of Health and Sanitary Inspectors. Sir Arthur Robinson suggested that " the governing criterion is whether there is such a degree of uneasiness or unrest among the other classes of officers with regard to their position as to call for not necessarily the extension to them, or to the principal officers among them, of the protection now enjoyed by the Medical Officer of Health, but as to call for something that they would regard as better safeguards than they have now, though it might fall short of the position of the Medical Officer of Health in that he cannot be dismissed without the consent of the Minister." †

‖ Association of Municipal Corporations (Bower), **M. 7–9** (XIV, 2464), Q. 39,254–6 (XIV, 2465).

¶ Urban District Councils Association (Postlethwaite), **M. 209**, Q. 39,657–8 (XIV, 2490–1).

* Robson, Q. 38,917–25 (XIII, 2440).

† Ministry of Health (Robinson), Q. 40,319–20 (XIV, 2532–3).

463. We were informed that not many cases of wrongful dismissal came to the notice of the Minister of Health.‡ It was suggested that if, in the view of the Commission, there were grounds for further statutory provision, this might take the form of prescribing that there should be a certain majority, two-thirds or three-quarters, before a Local Authority should be empowered to dismiss any one of a certain number of principal officers, who should be designated in a scheduled list.§

The Case of Brown v. *Dagenham Urban District Council.*

464. After receiving a deputation from the National Association of Local Government Officers, the Minister of Health referred to us the question which had been brought particularly to his notice by the deputation regarding the effect of the judgement in the case of *Brown* v. *Dagenham Urban District Council*, which was given in the King's Bench Division on the 22nd February, 1929. The effect of the judgement may be briefly stated as being that despite evidence of the existence of a contract between a Local Authority and their Clerk that there should be three months' notice on either side, nevertheless this contract was of no avail, and the Clerk might be dismissed by the Council at their pleasure by virtue of section 189 of the Public Health Act, 1875.

465. It was pointed out by the deputation that an Urban District Council could thus in law dismiss an officer at a moment's notice, whatever contract might have been made as to notice. Apart from the insecurity resulting from such a position, the Association expressed doubt whether the Superannuation Act of 1922 made provision for the return of contributions in the case of an officer whose services were thus terminated. The deputation urged that all the principal officers of a Local Authority should, in the event of dismissal, be given a right of appeal, if not to the Minister, at least to some special tribunal.

466. The case of *Brown* v. *Dagenham Urban District Council* was mentioned tentatively by some of the witnesses in evidence while the case was still *sub judice*, and we heard evidence from the Association of Municipal Corporations and the Urban District Councils Association after judgement had been given in the case. Sir Percival Bower, on behalf of the Association of Municipal Corporations, urged that the law as expounded in this judgement should be altered, and that any agreement as to notice should be made enforceable.* Mr. Postlethwaite, on behalf of the Urban District Councils Association, was also of

‡ Ministry of Health (Robinson), Q. 40,321–3 (XIV, 2533).
§ Ministry of Health (Robinson), Q. 40,320 (XIV, 2533), Q. 40,331–3 (XIV, 2533).
* Association of Municipal Corporations (Bower), Q. 39,261–2 (XIV, 2465).

opinion that the law should be altered so as to make enforceable any agreement between a Local Authority and an officer as to notice.†

467. Sir Arthur Robinson, in his evidence on behalf of the Minister of Health, also expressed the opinion that an Authority should be bound by any agreement as to notice. He said : " You want an agreement which is effective, which does protect the officer with a reasonable notice, and of course you do not want to make the notice too long."‡

Conclusions and Recommendations.

468. The effect of the evidence on the very controversial issue of the security of tenure of local government officers appears to us to be as follows :—

(*a*) Many of the organizations representing officers of different classes urged that these officers should be accorded the same measure of security of tenure as is conferred on certain Medical Officers of Health and Sanitary Inspectors. In particular, this view was pressed on behalf of technical officers and the Clerks to Urban and Rural District Councils, but we observe that the representative of the Society of Town Clerks did not consider that Town Clerks would be justified in making such a request.

(*b*) The argument for interfering with the basic principle of local autonomy in this matter was based largely on two considerations. In the first place, some of the officers already enjoy security of tenure ; though it must be observed that the selection of those particular officers for protection at the hands of the Central Department can be explained partly by reference to the history of the development of certain local government services. Secondly, although the cases of wrongful dismissal were admittedly very few, it was suggested that fear of dismissal was constantly present, and acted detrimentally upon the local government service, not merely because the feeling of insecurity was in itself a disturbing factor, but because officials might thereby be deterred from carrying out their duties without fear or prejudice. There was some suggestion in the evidence that this feeling of insecurity had increased recently, owing to victimization of officials following upon changes in the complexion of the Local Authority.

(*c*) On the other hand, it was clear that Local Authorities would strongly resent any further interference by a Central

† Urban District Councils Association (Postlethwaite), Q. 39,658-69 (XIV, 2491).

‡ Ministry of Health (Robinson), Q. 40,334-6 (XIV, 2533).

Department as between themselves and their employees. While it is obviously undesirable that an officer should be deterred from carrying out his duties as the law prescribes through fear of incurring the displeasure of his Council, it is also unfortunate if a Council feel that an officer is not entirely their servant on whose whole-hearted co-operation they can depend. Moreover, it was agreed on all sides that the position of an officer who had been threatened with dismissal, but retained by direction of the Central Department, would in practice be impossible. In short, though the right of appeal might give the officer a feeling of greater security, it would seriously impair the feeling of mutual confidence which ought to exist between Local Authorities and their servants.

(*d*) Apart, however, from these general considerations, the effect of the decision in the case of *Brown* v. *Dagenham Urban District Council* is regarded, both by Local Authorities and by local government officers, as revealing an impossible situation, which calls for a modification of the existing powers of Local Authorities to dismiss officers at pleasure and the enactment of a provision to secure that a contract between a Local Authority and their officer shall be effective.

469. After carefully reviewing the evidence, we have come to the conclusion that complete security of tenure would not be in the best interests of local government. On the other hand, if there is such a feeling of insecurity as to create discontent in the service, this is inimical to good administration. We find that there is at present a sense of insecurity among certain classes of local government officers which ought to be mitigated, and the recent decision in the case of *Brown* v. *Dagenham Urban District Council* has intensified this feeling.

470. We do not recommend that there should be an extension of the practice that the appointment or dismissal of certain officers should require the approval of a Central Department, thereby providing an appeal to a Central Department against a threat of dismissal. We should deprecate this as an encroachment upon local autonomy, and an unnecessary concentration of power in the Central Government. For practical purposes, moreover, an officer threatened with dismissal but retained by direction of the Central Department would find himself in an impossible position in carrying on the work of the Council against whose decision he had successfully appealed.

471. In one direction, however, we consider that there should be an amendment of the law so as to provide that, notwithstanding the provisions in section 198 of the Public Health Act, 1875, and other analogous enactments empowering Local Authorities to dismiss their officers at pleasure, it should be competent for

Local Authorities to enter into contracts with their officers providing for reasonable notice of termination of any such contract on either side, and that such contract should be binding on both parties.

Section VII.—Publicity as regards Salaries and Promotions.

Evidence on behalf of Associations of Local Government Officers.

472. The National Association of Local Government Officers and the Society of Clerks to Urban District Councils drew our attention to the fact that all public officers were subject to public criticism, but that the introduction of personalities sometimes constituted a serious deterrent in obtaining or retaining the services of the best men.*

Evidence on behalf of the Association of Municipal Corporations.

473. The Association of Municipal Corporations referred at some length to this question. They considered that the salaries of local government officers were in many cases inadequate owing to questions of salaries being made a subject of contention, both in the Council Chamber and at election times. Recommendations for increase of salaries often led to discussions in Council meetings which, in the opinion of the Association, would be best avoided. It was within the knowledge of the Association that officers complained that not only was every publicity given to all questions of increments of their salaries, but that occasion was frequently taken to introduce disparaging and unfair criticism in Council debates which was subsequently reported at great length in the public press.†

474. The Association were of the opinion that there was ample justification for the complaints made by officers regarding the methods usually adopted by Local Authorities in assessing their remuneration; and, since this practice, no doubt, was a matter of general knowledge, it might well be a serious deterrent to the successful recruitment of the local government service. It was expedient, therefore, in the view of the Association, that the local government service should be made as attractive as possible, and that steps should be taken to overcome the difficulties referred to so far as was compatible with the established principles of local government in this country.‡

475. In this connexion, the Association drew our attention to the practice which prevails in Birmingham at the present time.

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* National Association of Local Government Officers (Johnson, Abbott, and Hill), **M. 23** (VIII, 1666), Q. 28,096 (VIII, 1670), Q 28,767 (VIII, 1700): Society of Clerks to Urban District Councils (Abbott, Porcher, and Linfield), **M. 5** (XIII, 2348), Q. 37,662 (XIII, 2349).

† Association of Municipal Corporations (Bower), **M. 7, M. 11** (XIV, 2464).

‡ Association of Municipal Corporations (Bower), **M. 12–3** (XIV, 2464).

By virtue of the provisions of the Birmingham Corporation (Consolidation) Act, 1883, full powers of delegation to Committees were conferred upon the Council, and the Act provided that the proceedings of Committees should not require the approval of the Council unless that requirement was especially reserved by the delegation. Under these provisions the Council had established a Committee known as the Salaries, Wages and Labour Committee, and this Committee was invested with full authority to settle on behalf of the Council all questions of salary or wages which could not, by the Standing Orders of the Council, be dealt with by the several employing Committees themselves. A right of appeal to the Council against a decision of this Committee was provided for, but since the Committee was representative of all shades of opinion in the Council, their decisions had always been accepted, with one exception, and even in that case the Council supported the Committee's recommendations.*

476. The Association recognized the value of this procedure, which obviated public debates upon the remuneration of any officer. They were of the opinion that somewhat similar methods might be adopted with advantage in other Municipalities; and they recommended that in so far as it might be necessary, general legislation should be introduced to give effect to the suggestion.†

477. In oral evidence, Sir Percival Bower, a member of the Birmingham City Council, explained that the Association had no desire to prevent the proper discussion of salaries of officers, but that "many of the strictures that are passed in the Council Chamber would never be made at all were it not for the publicity that is given to the matter in the local press."‡

Evidence of Mr. E. D. Simon.

478. Mr. Simon referred to certain City Councillors who "unfortunately . . . insist on discussing the salaries of high officials in public, and often in a sense depreciatory to the official concerned." Mr. Simon expressed the opinion that this must, in the long run, have an exceedingly serious effect on the local government service.§

Conclusion.

479. We are impressed by the fact that this question has been raised not only by representatives of local government officers, but by representatives of Local Authorities who, without any

* Association of Municipal Corporations (Bower), **M. 14–15** (XIV, 2464), Q. 39,276–83 (XIV, 2466).

† Association of Municipal Corporations (Bower), **M. 17** (XIV, 2464), Q. 39,284–9 (XIV, 2466–7).

‡ Association of Municipal Corporations (Bower), Q. 39,264–71 (XIV, 2465–6),

§ Simon, **M. 13–15** (XI, 2209), Appendix CXI, Statement B (XI, 2218).

desire to limit proper public discussion of the expenditure of public money on salaries, strongly deprecate public debate upon the salary and promotion of individual officers. It is clear that the publicity given to invidious discussions of personalities may have very detrimental effects upon the service, and it would be desirable for Local Authorities to consider by what procedure this might be minimized.

PART IV.—SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.

480. We append a summary of the principal conclusions and recommendations contained in this Report.

I.—Functions of Local Authorities.

A.—DISTRIBUTION OF CERTAIN FUNCTIONS BETWEEN LOCAL AUTHORITIES.

Administration of the Weights and Measures Acts.

(1)—(i) This function should be assigned to County Councils and County Borough Councils, and to the Councils of Non-County Boroughs with a population of 20,000 who maintain a separate police force and are already administering the Weights and Measures Acts. But such Non-County Borough Councils should surrender their powers to the County Council in any case where they are unable to discharge the function efficiently.

(ii) A County Council should be empowered to delegate the administration of the Weights and Measures Acts to the Council of any County District if they think fit (paragraphs 32 and 33).

Administration of the Food and Drugs (Adulteration) Act, 1928, and Appointment of Public Analysts.

(2)—(i) The administration of the Food and Drugs (Adulteration) Act, 1928, and the appointment of Public Analysts should be assigned to County Councils and County Borough Councils.

(ii) Councils of County Districts should retain the right to procure samples and take proceedings.

(iii) A County Council should be empowered, if they think fit, to contribute towards the cost incurred by a Council of a County District (paragraph 39).

ADMINISTRATION OF THE MILK AND DAIRIES ACTS.

(3) In view of the short time during which the Milk and Dairies Acts and Orders have been operative, we do not recommend any further re-assignment of functions at this stage (paragraph 50).

BYELAWS UNDER THE ADVERTISEMENTS REGULATION ACTS.

(4) Although anomalies arise from the present statutory provisions, the matter is one which can probably be best adjusted by the force of public opinion, and we do not, therefore, recommend any amendment of the law (paragraph 55).

BYELAWS FOR GOOD RULE AND GOVERNMENT.

(5) While the power of making byelaws for good rule and government outside the areas of Boroughs should be left in the hands of the County Council, Urban and Rural District Councils should have the right to appeal to the Secretary of State against a refusal on the part of the County Council to make such byelaws, and should have concurrent powers to enforce the byelaws* (paragraph 66).

LICENSING OF THEATRES, CINEMATOGRAPH EXHIBITIONS, AND PLACES FOR MUSIC AND DANCING.

(6)—(i) Provision for the licensing of theatres,† cinematograph exhibitions, and places for music and dancing should be made uniform.

(ii) The powers should be vested primarily in County Councils, County Borough Councils, and the Councils of the larger Non-County Boroughs and Urban Districts.

(iii) As regards other County Districts, the County Council should be empowered to delegate their powers either to the District Council or to the Justices in Petty Sessions.

(iv) With a view to securing a minimum standard of safety, a power to make general regulations for securing safety similar to that provided by section 2 (1) of the Cinematograph Act, 1909, should be conferred on the Home Office (paragraph 82).

APPOINTMENT OF GAS EXAMINERS.

(7) Rural District Councils should have the same powers with regard to the appointment of Gas Examiners as are possessed by Borough and Urban District Councils under the Gas Regulation Act, 1920 (paragraph 89).

* Mr. Bond would have preferred that the power to make byelaws for good rule and government should be conferred forthwith upon Urban District Councils who have attained a minimum standard of qualification.

† Excepting patent theatres and those licensed by the Lord Chamberlain.

Gas Meter Testing.

(8) County Borough Councils who are not manufacturers or sellers of gas should have power to set up a gas meter testing station and appoint Inspectors, irrespective of the consideration whether the Sale of Gas Act, 1859, had been adopted by the Borough Council within the prescribed period (paragraph 96).

Reports to County Councils under the Allotments Acts.

(9) In substitution for the present arrangements, Borough and Urban District Councils, Parish Councils, and Parish Meetings (where there is no Parish Council) should be required to send annually to the County Council a report in a prescribed form; and it should be the duty of the County Council, upon the information thus obtained, to make an annual report to the Ministry of Agriculture and Fisheries (paragraph 104).

Relations between County Councils and Standing Joint Committees in regard to County Buildings and Finance.

(a) *County Buildings.*

(10) The County Council should have control over so much of the County buildings as is not used exclusively for the purposes of police or the administration of justice; but in the case of any buildings used partly for those purposes and partly for County Council purposes, the Standing Joint Committee should have the right of user of such parts as they have hitherto used (paragraph 112).

(b) *Finance.*

(11) The Standing Joint Committee should be required to furnish the County Council, for the purposes of information, with an estimate of their expenditure before the commencement of each financial year and with any supplementary estimates (paragraph 119).

B.—OTHER QUESTIONS AFFECTING POWERS AND DUTIES OF LOCAL AUTHORITIES.

Co-operation between Local Authorities.

(12) We draw attention to the importance of developing co-operation between Local Authorities, particularly in regard to services which, without any re-assignment of statutory responsibility, can often be provided most efficiently by joint action between two or more Authorities (paragraphs 120 to 125).

Water Supplies : Regional Advisory Committees.

(13) We commend to the attention of all Local Authorities the desirability of taking active steps to secure the creation of Regional Advisory Committees throughout the country generally. To stimulate the formation of such Committees it is for consideration whether Joint Conferences in the geographical Counties might not with advantage be convened by the County Councils (paragraph 136).

Establishment of Insurance Funds by Local Authorities.

(14) The proposal to arrange a special inquiry into the question of the establishment of insurance funds by Local Authorities should be adopted, in order that all aspects of the question may be fully investigated before any general legislation is proposed (paragraphs 142 and 143).

Highway Improvements.

(a) *Prescription of Building and Improvement Lines.*

(15) In order to ensure that a County Council should receive notification of any building proposed to be erected within a prescribed distance from the centre of any County road, the Local Authority with whom plans are deposited under building byelaws should be required to inform the County Council, and in areas where no such byelaws are in force the intending builder should be required to notify the Local Authority, who should transmit the information to the County Council (paragraph 150).

(b) *" Give and Take " Frontage Lines.*

(16) An amendment of the law is desirable in order to facilitate agreement with frontagers on a " give and take " line when improvements are undertaken by the Local or Highway Authority. Such powers should, however, be subject to provisions (i) to permit a given number of inhabitants to appeal to the Justices against a proposed alienation of part of the highway, (ii) to safeguard the position of bodies having mains or pipes under the highway, and (iii) to facilitate joint action if necessary where the Highway Authority are not the Local Authority of the area (paragraphs 153 and 154).

(c) *Roads forming the Boundary of a Local Authority's Area.*

(17) In order to remove the difficulties arising in connexion with the making up or improvement of a road forming the boundary between the areas of two Local Authorities, provision should be made for the Authorities concerned to act jointly, and for the determination of differences in the event of their being unable to agree (paragraph 157).

(d) *Procedure for Compulsory Acquisition of Land.*

(18) The provisions of Part III of the Housing Act, 1925, as to the compulsory acquisition of land in connexion with the provision of houses for the working classes should be made applicable to the purchase of land for the widening of existing highways (paragraph 164).

Meetings of Electors and Polls under the Borough Funds Acts.

(19) The requirements of the Borough Funds Acts in regard to town's meetings and polls of electors should be repealed (paragraph 186).

Assimilation of Powers of Urban and Rural District Councils.

(20) The assimilation of powers of Urban and Rural District Councils should consist primarily in the conferment on Rural District Councils of certain powers, as distinct from duties, of Urban District Councils; but provision should be made for an appeal to the Courts against the exercise of any powers imposing upon individuals obligations which might be unreasonable in a rural area. Subject to these reservations, the list of powers set out in paragraph 198 above indicates the kind of powers which might be conferred generally on Rural District Councils, and provision should be made accordingly (paragraphs 197 and 198).

(21) Such urban powers as it may be deemed expedient to entrust to Rural District Councils should be conferred upon them generally by statute, without the necessity for the procedure of formal adoption or application to a Central Department for the issue of an Order. Rural District Councils should be enabled to put any such powers into operation in regard to any defined area in their District, and to charge the expenses as special expenses in proper cases (paragraph 199).

(22) The development of the Parochial Committee system would facilitate the exercise of urban powers in Rural Districts, and would remove many difficulties which now occur in administration (paragraph 200).

Functions of Parish Councils and Parish Meetings.

(a) *Powers and Duties of Parish Councils and Parish Meetings.*

(23)—(i) In the event of a Rural District Council declining to provide a scavenging service in a parish which desires it and is willing to bear the cost, the Minister of Health should be empowered either to require the District Council to act at the expense of the parish, or alternatively to authorize the Parish Council themselves to provide the service.

(ii) Provision should be made to enable a Parish Council to contribute towards the provision or maintenance of a village hall or recreation ground which is not vested in the Council (paragraphs 211 and 212).

(b) *Procedure for Adopting the Lighting and Watching Act, 1833.*

(24) It would be desirable to repeal this Act, and to rely upon the provisions of the Public Health Act, 1875 (paragraph 216).

(c) *Limitation of Expenditure.*

(25) The limits of expenditure of a Parish Council with and without the consent of the Parish Meeting should be extended by 50 per cent., in addition to the $33\frac{1}{3}$ per cent. increase authorized under section 75 of the Local Government Act, 1929 (paragraph 221).

(d) *Explanatory Leaflet as to Functions of Parish Councils and Parish Meetings.*

(26) The Minister of Health should issue, in as simple a form as possible, a clear and authoritative statement of the powers and duties of Parish Councils and Parish Meetings (paragraph 225).

(e) *Parochial Committees.*

(27)—(i) By means of the Parochial Committee system the existing law provides a valuable expedient of which greater use should be made.

(ii) In the event of a Rural District Council declining to comply with a request from a Parish Council or a Parish Meeting for the creation of a Parochial Committee, the Parish Council or Parish Meeting should be empowered to appeal to the County Council against the refusal, and the County Council should be empowered, if they think fit, to direct the District Council to create such a Committee.

(iii) Facilities should be provided for the creation, where desired, of a Parochial Committee for two or more parishes or contributory places (paragraphs 234 to 236).

(f) *Liaison between Rural District Council and Parish Council.*

(28) The representative of a parish on the Rural District Council should be *ex officio* a member of the Parish Council. In cases where a parish has several representatives on the District Council, it might be provided that the senior representative should be *ex officio* a member of the Parish Council, or that the Parish Council should be empowered to co-opt on

the Parish Council one member from among the parish representatives on the District Council (paragraph 242).

PUBLICATION OF PROVISIONAL ORDERS MADE UNDER THE GAS AND WATER WORKS FACILITIES ACTS, 1870 AND 1873, AND THE TRAMWAYS ACT, 1870.

(29) The requirement that the full text of a Provisional Order made under the Gas and Water Works Facilities Acts, 1870 and 1873, or under the Tramways Acts, 1870, shall be published by the undertakers in a local newspaper imposes unnecessary expense upon them; and there should be substituted for this requirement a provision that the undertakers should publish an advertisement in a local newspaper that the Order has been made and that a copy can be purchased from the undertakers or be inspected at a specified place (paragraph 246).

CONSOLIDATION OF STATUTES.

(30) The consolidation of the statutes relating to local government and public health is urgently needed in the interests both of local government and of central administration (paragraph 247).

II.—Matters relating to the Constitution of Local Authorities.

CREATION OF BOROUGHS.

(31) While appreciating that the proposals of the Government Departments concerned for the creation of Boroughs by statute instead of by Charter were designed to remove some unsatisfactory features of the present procedure, we are disposed to deprecate the abolition of procedure by Charter. But the retention of the Charter system should be accompanied by measures designed to ensure more effectively that the grant of a Charter is made to depend primarily upon the merits of the area as an efficient local government unit, judged by the needs of present day conditions and the best standards of modern administration. The following modifications should, accordingly, be made in the existing law and practice:—

(i) Whilst, in view of the exceptional cases which may require special consideration, we do not propose that power to apply for a Charter should be limited by statute to Authorities with a certain population, we are of opinion that as a rule of practice a minimum population of 20,000 should normally be a condition precedent to the submission of a petition for a Charter.

(ii) In lieu of a petition signed by a majority of the inhabitant householders, the petition should be made by the Local Authority. The proposal to submit such a petition

should require an absolute majority of the whole number of the Council at a special meeting convened after due notice, and should be confirmed at a further special meeting, again by an absolute majority.

(iii) In determining what advice should be tendered to Your Majesty in regard to the exercise of the prerogative in the grant of a Charter, the Committee of the Privy Council should have regard primarily to the report of the Minister of Health upon the efficiency of administration and financial capacity of the area in question, and any local inquiry into a petition should accordingly be held by an Inspector of the Ministry of Health (paragraphs 269 to 271).

Constitution of Electoral Divisions of Counties.

(32) There being some doubt as to the precise effect of subsection (2) of section 54 of the Local Government Act, 1888, as amended by the Statute Law Revision Act, 1908, such doubt should be removed by an express enactment to the effect that the Council of any County District within a County who are aggrieved by a refusal of the County Council to make a representation to the Secretary of State in favour of an alteration of the boundary of any Electoral Division of the County or of the number of County Councillors and Electoral Divisions, or are dissatisfied with any alteration proposed by the County Council, shall have a right of appeal to the Secretary of State, who shall if either party so requests hold an inquiry and may make an Order under section 54 of the Act of 1888 (paragraph 278).

Void Bye-Elections of Town and County Councillors.

(33)—(i) The period of fourteen days specified under section 66 of the Municipal Corporations Act, 1882, is too short a period for the filling of a vacancy on a Town Council or a County Council, especially in a rural Electoral Division of a County. The time-table should, therefore, be amended as follows:—(*a*) within one week of a notification of a vacancy the Returning Officer should publish notice of election; (*b*) nominations should be made within fourteen days after notice; and (*c*) the election should take place seven days after receipt of nominations. Thus the whole procedure would occupy one month.

(ii) Provision should be made to enable a Town Council or a County Council themselves to make an Order for a new election in the event of a void bye-election occurring (paragraphs 285 and 286).

Date of Urban District Council Elections.

(34) The elections for Urban District Councils and the elections for Borough Councils should be held at the same time; but action on this recommendation should be deferred until after the

first general review of County Districts, for which provision is made in section 46 of the Local Government Act, 1929 (paragraph 299).

Election of Parish Councillors.

(35) As alternatives to the present system of election of Parish Councillors by show of hands, it should be competent for the County Council, either on their own initiative, or upon a representation from the Parish Council or Parish Meeting or from not less than ten ratepayers of the Parish, to make an Order putting into operation either (*a*) a scheme of election on the lines recommended by the County Councils Association with the modifications indicated in paragraph 323 above, or (*b*) the Ballot Act (paragraph 326).

Disqualification of Members of Local Authorities.

(36)—(i) The law relating to the disqualification of a member of a Local Authority by reason of having an interest in any contract with the Council requires amendment to meet conditions now prevailing. The general principles of any such amendment of the law should be

(*a*) to make it uniform for all classes of Authorities and Committees thereof;

(*b*) to bring it up to date so as to suit modern conditions;

(*c*) to make it clear, so far as it is possible to define the disqualifications without making the code so exclusive as to debar any substantial part of the population from taking part in local government.

(ii) The disqualification should apply to voting rather than to membership, and the provisions of section 22 of the Municipal Corporations Act, 1882, that "a member of the Council shall not vote or take part in the discussion of any matter before the Council, or a Committee, in which he has, directly or indirectly, by himself or by his partner, any pecuniary interest," which now apply to Municipal Corporations and County Councils, should be extended to cover, without exceptions, shareholders, directors and employees of companies with which the Local Authority may contract; and should be applied to members of all classes of Local Authorities.

(iii) As regards medical practitioners, a doctor who is remunerated by fees for specific services rendered under certain Acts need not be disqualified for membership of a Local Authority. On the other hand, a doctor who is rendering not necessarily continuous but continuing service in a specific capacity,

such as a Medical Officer at a maternity and child welfare centre, is more clearly in a contractual relation with the Local Authority, and should therefore be disqualified from membership.

(iv) Any disqualifications applicable to elected members should apply also to co-opted members (paragraphs 338 to 342).

Co-option on Committees of Local Authorities.

(37) We draw attention to the representations made by the Associations of Local Authorities, which reflect their apprehensions of the possible effects of an undue extension of the principle of co-option on Committees of Local Authorities, and their objection to co-option being made compulsory. In particular, we agree with the view that the number of co-opted members should not exceed one-third of the total number of the Committee (paragraph 352).

County Agricultural Committees.

(38)—(i) The law should be amended so as to provide that the appointment of County Agricultural Committees should no longer be compulsory, but that County Councils should be empowered to appoint such Committees if they think fit, with power to co-opt persons outside their membership.

(ii) The appointment of members by the Minister of Agriculture and Fisheries should cease.

(iii) If effect is given to the foregoing recommendations, the powers conferred upon County Agricultural Committees by section 12 (2) of the Agricultural Holdings Act, 1923, and by section 5 (1) (ii) of the Rent and Mortgage Interest (Restrictions) Act, 1920, as amended by section 4 of the Act of 1923, should be transferred to County Councils (paragraph 366).

Number of Committees of Local Authorities.

(39) We draw attention to the evidence tendered in regard to the multiplication of Committees by Local Authorities; but we make no recommendation on the matter, as the appointment of Committees is within the discretion of the Local Authority, except in cases governed by statutory requirement (paragraph 369).

Appointment of Chairmen of Urban District Councils.

(40) The appointment of Chairmen of Urban District Councils should be regulated by provisions similar to those contained in section 15 (3) of the Municipal Corporations Act, 1882, under which a Chairman remains in office until his successor is appointed (paragraph 374).

Grants to Chairmen of Urban and Rural District Councils.

(41) The provisions of section 15 (4) of the Municipal Corporations Act, 1882, should be extended so as to enable an Urban District Council to grant an allowance to the Chairman of the Council, and the same power might be conferred on a Rural District Council (paragraph 377).

III.—Local Government Officers.

Recruitment.

(42) It is open to question whether the present methods of recruitment of local government officers are calculated to ensure that Local Authorities shall have at their disposal officers of the type needed to assist them in the discharge of the increasing responsibilities which Parliament is year by year laying upon them. The problems which have emerged from our investigation require a much more detailed investigation than has been possible by this Commission, and a Departmental Committee should be appointed to inquire into the recruitment of local government officers (paragraphs 412 and 413).

Promotion and Transfer.

(43) The local government service would benefit if the facilities for interchangeability were enlarged. This, however, depends upon the more general adoption of a uniform scheme of superannuation, to which reference was made by the Departmental Committee on the Superannuation of Local Government Employees, who reported in 1928. Since the Departmental Committee reported in favour of compulsory superannuation, the subject has become more urgent owing to the impending transfer under the Local Government Act, 1929, to the Councils of Counties and County Boroughs, of a number of officers who are now subject to the provisions of the Poor Law Officers Superannuation Act, 1896 (paragraph 421).

Office Organization and Position of Clerk to the Local Authority.

(44)—(i) The Clerk to the Council should be the principal officer of a Local Authority and responsible for securing co-ordination between the several departments.

(ii) Generally speaking, the balance of convenience points to the selection of a Clerk with legal qualifications; but it would

be regrettable if such a requirement were universally maintained to the exclusion of candidates who might bring into the service of an Authority administrative abilities of a high order (paragraphs 441 and 442).

Offices of Clerk of the Peace and Clerk of the County Council.

(45) The time has come to modify the anomalous position under which a County Council have no authority to appoint their own Clerk, but must accept the person appointed by the Standing Joint Committee as Clerk of the Peace, who moreover virtually enjoys a freehold office, unless he has elected to accept the provisions of the Local Government and Other Officers' Superannuation Act, 1922, in which case he can be required to retire at 65. The parties concerned have reached agreement in regard to the manner in which the law should be amended, and the Associations representing the County Councils and the Clerks of the Peace have drafted an agreed Bill for this purpose. Legislation should proceed on the lines of the agreed Bill (paragraphs 448 and 449).

Security of Tenure.

(46) The law should be altered so as to provide that, notwithstanding the provisions in section 198 of the Public Health Act, 1875, and other analogous enactments empowering Local Authorities to dismiss their officers at pleasure, it should be competent for Local Authorities to enter into contracts with their officers providing for reasonable notice of termination of any such contract on either side, and that such contract should be binding on both parties (paragraph 471).

Publicity as regards Salaries and Promotion.

(47) It would be desirable for Local Authorities to consider by what procedure the publicity given to invidious discussions of personalities in connexion with questions relating to salaries and promotions of individual officers might be minimized (paragraph 479).

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481. We have referred in our Second Report to the loss the Commission sustained in the resignation of our Secretary, Mr. Heseltine, and to the good fortune we experienced in securing the able services of Mr. Barter to take Mr. Heseltine's place.

We desire to place on record the deep sense of obligation that we feel to Mr. Barter for the great ability and industry which he has shown, for the ever ready assistance and attention that he has given to our work, and for the great technical knowledge which he has placed at our disposal.

To Mr. Lawther and Mr. Castle we also owe a deep debt of gratitude. They have been attached to the Commission since its first appointment, and have both rendered invaluable service. We wish to record our very high appreciation of the work of these gentlemen, as well as of that of Mr. Heseltine and Mr. Barter, and to offer to all of them our grateful thanks.

ALL WHICH WE HUMBLY SUBMIT FOR YOUR MAJESTY'S GRACIOUS CONSIDERATION.

ONSLOW (*Chairman*).
STRACHIE.
G. M. W. MACDONOGH.
WM. MIDDLEBROOK.
LEWIS BEARD.
WALTER B. RIDDELL.
HARRY G. PRITCHARD.
SEYMOUR WILLIAMS.
S. TAYLOR.
JOHN BOND.
H. NORMAN.

P. BARTER,
Secretary.

J. A. LAWTHER,
Assistant Secretary.

12th November, 1929.

APPENDICES.

Appendix I.

GOVERNMENT DEPARTMENTS FROM WHOM EVIDENCE WAS RECEIVED SINCE THE PUBLICATION OF THE COMMISSION'S SECOND REPORT.

(With references to the relevant Part and page of the Minutes of Evidence taken before the Commission.)

1.—Department from whose Representative Oral Evidence was Heard.

Ministry of Health	Sir W. Arthur Robinson, G.C.B., C.B.E., Secretary (XIV, 2519).

2.—Department from whom Evidence was Received in Writing.

Home Office ... ... (XIV, 2542).

Appendix II.

REPRESENTATIVES OF ASSOCIATIONS OF LOCAL AUTHORITIES FROM WHOM EVIDENCE WAS HEARD SINCE THE PUBLICATION OF THE COMMISSION'S SECOND REPORT.

(With references to the relevant Part and page of the Minutes of Evidence taken before the Commission.)

(a) County Councils Association:

Mr. F. Dent	Chairman of the Essex County Highway Committee (XIII, 2356).
Mr. (now Sir) Edward J. Holland	Chairman of the Surrey County Council (XIII, 2356).

(b) Association of Municipal Corporations:

Sir Percival Bower, M.B.E. ...	Alderman of the City of Birmingham (XIV, 2463).
Sir David Brooks, G.B.E. ...	Alderman of the City of Birmingham (XIV, 2459).
Mr. H. Darlow	Town Clerk of Bedford (XIII, 2374).
Mr. J. Ernest Jarratt	Town Clerk of Southport (XIV, 2472).

APPENDIX II.—*continued.*

(c) URBAN DISTRICT COUNCILS ASSOCIATION.

MR. EDMUND R. ABBOTT	Clerk to the Ruislip-Northwood Urban District Council (XIV, 2546).
MR. W. T. POSTLETHWAITE, C.B.E., LL.B.	Clerk to the Swinton and Pendlebury Urban District Council (XIV, 2482, 2546).

(d) RURAL DISTRICT COUNCILS ASSOCIATION:

MR. E. P. EVEREST, M.B.E. ...	Clerk to the Atcham Rural District Council (XIV, 2476).

(e) NATIONAL ASSOCIATION OF PARISH COUNCILS:

MR. A. E. HAMMOND	Chairman of the Harrow Weald Parish Council (XIII, 2299).
MR. W. H. ORAM	Clerk to the Harrow Weald Parish Council (XIII, 2299).

APPENDIX III.

REPRESENTATIVES OF ASSOCIATIONS OF LOCAL GOVERNMENT OFFICERS FROM WHOM EVIDENCE WAS HEARD SINCE THE PUBLICATION OF THE COMMISSION'S SECOND REPORT.

(With references to the relevant Part and page of the Minutes of Evidence taken before the Commission.)

(a) SOCIETY OF CLERKS OF THE PEACE OF COUNTIES:

SIR CHARLES LONGMORE, K.C.B. ...	Clerk of the Peace and Clerk to the County Council of Hertfordshire (XIII, 2393).

(b) SOCIETY OF TOWN CLERKS:

MR. J. ERNEST JARRATT	Town Clerk of Southport (XIII, 2384).

(c) SOCIETY OF CLERKS TO URBAN DISTRICT COUNCILS:

MR. EDMUND R. ABBOTT	Clerk to the Ruislip-Northwood Urban District Council (XIII, 2347).
MR. J. H. LINFIELD	Clerk to the Spenborough Urban District Council (XIII, 2347).
MR. H. L. PORCHER	Clerk to the Pontypridd Urban District Council (XIII, 2347).

APPENDIX III.—*continued.*

(d) UNION AND RURAL DISTRICT CLERKS' ASSOCIATION:

MR. E. P. EVEREST, M.B.E. ...	Clerk to the Atcham Rural District Council (XIII, 2401).

(e) ASSOCIATION OF LOCAL GOVERNMENT FINANCIAL OFFICERS:

MR. W. A. HENDERSON, A.S.A.A. ...	Treasurer and Accountant to the Willesden Urban District Council (XIII, 2326).
MR. W. E. LLOYD, F.S.A.A. ...	Borough Treasurer of Hampstead (XIII, 2326).

(f) INSTITUTE OF MUNICIPAL TREASURERS AND ACCOUNTANTS:

MR. W. BATESON, A.C.A., F.S.A.A.	Borough Treasurer of Blackpool (XIV, 2497).
MR. J. R. JOHNSON, F.S.A.A. ...	City Treasurer of Birmingham (XIV, 2497).

(g) INSTITUTION OF MUNICIPAL AND COUNTY ENGINEERS:

MR. E. J. ELFORD, M.Inst.C.E. ...	Borough Engineer and Surveyor, Metropolitan Borough of Wandsworth (XIII, 2441).
LT.-COL. E. B. MARTIN, D.S.O., M.Inst.C.E.	Chief Engineer and Surveyor, County Borough of Salford (XIII, 2441).

(h) SOCIETY OF MEDICAL OFFICERS OF HEALTH:

DR. JAMES FENTON, M.D., D.P.H.	Medical Officer of Health for the Royal Borough of Kensington (XIII, 2405).

(j) SANITARY INSPECTORS' ASSOCIATION:

MR. H. H. SPEARS, F.S.I.A. ...	Chief Sanitary Inspector, County Borough of West Bromwich (XIII, 2338).
MR. T. TOPPING, F.S.I.A. ...	Chief Sanitary Inspector, Borough of Rochester (XIII, 2338).

(k) ASSOCIATION OF DIRECTORS AND SECRETARIES FOR EDUCATION:

MR. A. W. ALLEN	Secretary for Education, Borough of Hornsey (XIV, 2507).
MR. T. BOYCE	Director of Education, County Borough of Bradford (XIV, 2507).
BRIG.-GEN. G. H. GATER, C.M.G., D.S.O.	Education Officer to the London County Council (XIV, 2507).
MR. J. L. HOLLAND	Secretary for Education, Northamptonshire County Council (XIV, 2507).
MR. F. H. TOYNE	Secretary for Education, County Borough of Brighton (XIV, 2507).

Appendix IV.

OTHER WITNESSES FROM WHOM EVIDENCE WAS HEARD SINCE THE PUBLICATION OF THE COMMISSION'S SECOND REPORT.

(With references to the relevant Part and page of the Minutes of Evidence taken before the Commission.)

Captain L. F. Ellis, D.S.O., M.C.	Secretary of the National Council of Social Service (XIII, 2309).
Mr. Guy Ewing, J.P.	Chairman of the Cowden Parish Council (XIII, 2319).
Miss Inez Ferguson	General Secretary of the National Federation of Women's Institutes (XIII, 2309).
Miss F. Gadesden	Member of the Gresham Parish Council (XIII, 2318).
Mr. A. G. Mellor, B. Com. ...	Assistant Secretary, University of London Appointments Board (XIII, 2450).
Mr. M. S. Pease	Member of the Girton Parish Council (XIII, 2323).
Mr. C. E. D. Peters, B.A. ...	Secretary, Oxford University Appointments Committee (XIII, 2450).
Mr. H. A. Roberts, M.A. ...	Secretary, Cambridge University Appointments Board (XIII, 2450).
Mr. W. A. Robson, Ph.D., LL.M.	Barrister-at-Law and Lecturer at the London School of Economics and Political Science (XIII, 2424).
Mr. Graham Wallas	Professor Emeritus of Political Science in the University of London (XIII, 2414).

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